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Case No. 19-03-14 (CE)

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

<p>In the Matter of</p> <p>INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL 142,</p> <p>Complainant(s),</p> <p>and</p> <p>HAWAIIAN MACADAMIA NUT SERVICES, LLC,</p> <p>Respondent(s).</p>	<p>CASE NO(S). 19-03 (CE)</p> <p>ORDER NO. 3765</p> <p>GRANTING, IN PART, AND DENYING, IN PART, RESPONDENT HAWAIIAN MACADAMIA NUT SERVICES, LLC'S REQUEST FOR EXTENSION TO FILE OPPOSITION TO ILWU'S PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW, FILED ON MAY 31, 2021</p>
<p>In the Matter of</p> <p>INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL 142,</p> <p>Complainant(s),</p> <p>and</p> <p>HAWAIIAN MACADAMIA NUT SERVICES, LLC,</p> <p>Respondent(s).</p>	<p>CASE NO(S). 19-04 (CE)</p>

<p>In the Matter of</p> <p>INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL 142,</p> <p style="text-align: center;">Complainant(s),</p> <p style="text-align: center;">and</p> <p>HAWAIIAN MACADAMIA NUT SERVICES, LLC,</p> <p style="text-align: center;">Respondent(s).</p>	<p>CASE NO(S). 19-05 (CE)</p>
<p>In the Matter of</p> <p>INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL 142,</p> <p style="text-align: center;">Complainant(s),</p> <p style="text-align: center;">and</p> <p>HAWAIIAN MACADAMIA NUT SERVICES, LLC,</p> <p style="text-align: center;">Respondent(s).</p>	<p>CASE NO(S). 19-06 (CE)</p>
<p>In the Matter of</p> <p>INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL 142,</p> <p style="text-align: center;">Complainant(s),</p> <p style="text-align: center;">and</p> <p>HAWAIIAN MACADAMIA NUT SERVICES, LLC,</p> <p style="text-align: center;">Respondent(s).</p>	<p>CASE NO(S). 19-07 (CE)</p>

<p>In the Matter of</p> <p>INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL 142,</p> <p style="text-align: center;">Complainant(s),</p> <p style="text-align: center;">and</p> <p>HAWAIIAN MACADAMIA NUT SERVICES, LLC,</p> <p style="text-align: center;">Respondent(s).</p>	<p>CASE NO(S). 19-08 (CE)</p>
<p>In the Matter of</p> <p>INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL 142,</p> <p style="text-align: center;">Complainant(s),</p> <p style="text-align: center;">and</p> <p>HAWAIIAN MACADAMIA NUT SERVICES, LLC,</p> <p style="text-align: center;">Respondent(s).</p>	<p>CASE NO(S). 19-09 (CE)</p>
<p>In the Matter of</p> <p>INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL 142,</p> <p style="text-align: center;">Complainant(s),</p> <p style="text-align: center;">and</p> <p>HAWAIIAN MACADAMIA NUT SERVICES, LLC,</p> <p style="text-align: center;">Respondent(s).</p>	<p>CASE NO(S). 19-10 (CE)</p>

<p>In the Matter of</p> <p>INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL 142,</p> <p style="text-align: center;">Complainant(s),</p> <p style="text-align: center;">and</p> <p>HAWAIIAN MACADAMIA NUT SERVICES, LLC,</p> <p style="text-align: center;">Respondent(s).</p>	<p>CASE NO(S). 19-11 (CE)</p>
<p>In the Matter of</p> <p>INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL 142,</p> <p style="text-align: center;">Complainant(s),</p> <p style="text-align: center;">and</p> <p>HAWAIIAN MACADAMIA NUT SERVICES, LLC,</p> <p style="text-align: center;">Respondent(s).</p>	<p>CASE NO(S). 19-12 (CE)</p>
<p>In the Matter of</p> <p>INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL 142,</p> <p style="text-align: center;">Complainant(s),</p> <p style="text-align: center;">and</p> <p>HAWAIIAN MACADAMIA NUT SERVICES, LLC,</p> <p style="text-align: center;">Respondent(s).</p>	<p>CASE NO(S). 19-13 (CE)</p>

<p>In the Matter of</p> <p>INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL 142,</p> <p style="text-align: center;">Complainant(s),</p> <p style="text-align: center;">and</p> <p>HAWAIIAN MACADAMIA NUT SERVICES, LLC,</p> <p style="text-align: center;">Respondent(s).</p>	<p>CASE NO(S). 19-14 (CE)</p>
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**GRANTING, IN PART, AND DENYING, IN PART,
RESPONDENT HAWAIIAN MACADAMIA NUT SERVICES, LLC’S
REQUEST FOR EXTENSION TO FILE OPPOSITION TO ILWU’S
PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW, FILED ON MAY 31, 2021**

1. Introduction

The Hawai‘i Labor Relations Board (Board) issued a Minute Order on April 6, 2021, which, among other things, ordered Complainant INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL 142 (ILWU) to submit proposed findings of fact and conclusions of law on or by May 31, 2021. The Minute Order further provided Respondent HAWAIIAN MACADAMIA NUT SERVICES, LLC (Hawaiian Mac Nut) “may file objections to ILWU’s proposed findings of fact and conclusions of law, based on this Minute Order, within ten days of service of ILWU’s proposed findings of fact and conclusions of law.” These objections are not an opportunity for Hawaiian Mac Nut to disagree with the Board’s ruling in the Minute Order.

ILWU filed its proposed findings of facts and conclusions of law on May 31, 2021. Based on the filing of ILWU’s proposed findings of fact and conclusions of law, Hawaiian Mac Nut’s deadline for such objections was June 10, 2021.

On June 9, 2021, Hawaiian Mac Nut submitted a request for an extension of time to respond to ILWU’s proposed findings of fact and conclusions of law, asking for an extension to June 28, 2021.

The Board did not issue an extension before June 10, 2021, based on the requirements of Hawai‘i Administrative Rules (HAR) § 12-42-8(g)(3)(C)(iii), which provides for answering

affidavits to be filed with the Board within five days after service of motion papers. Because Hawaiian Mac Nut did not suggest or provide evidence that ILWU had agreed to this request for extension of time, this requirement allows ILWU to respond by June 17, 2021.

On June 14, 2021, ILWU submitted a statement of no opposition to Hawaiian Mac Nut's request, even though Hawaiian Mac Nut's deadline had already passed without any submission of objections by Hawaiian Mac Nut.

The Board often approves *timely* motions for extension of time to file documents. However, Hawaiian Mac Nut's request extension of time was not timely because the Board could not act upon Hawaiian Mac Nut's request until after the deadline had passed.

Therefore, although the Board notes for the record that Hawaiian Mac Nut's request was untimely and that it failed to comply with the Board's deadline after no extension was received, the Board will grant, in part, and deny, in part, Hawaiian Mac Nut's request for an extension to submit objections to ILWU's proposed findings of fact and conclusions of law.

The Board, accordingly, sets the deadline for Hawaiian Mac Nut's objections as **June 21, 2021 by 4:30 p.m. No further extensions will be granted.**

DATED: Honolulu, Hawai'i, June 14, 2021.

HAWAII LABOR RELATIONS BOARD



Manu O. Oshiro

MANU O. OSHIRO, Chair

Sesnita A. D. Moepono

SESNITA A.D. MOEPONO, Member

IN. Musto

IN. MUSTO, Member

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