

STATE OF HAWAI'I

HAWAI'I LABOR RELATIONS BOARD

In the Matter of

HAWAII GOVERNMENT EMPLOYEES
ASSOCIATION, AFSCME, LOCAL 152,
AFL-CIO,

Complainant,

and

DEPARTMENT OF HEALTH, State of
Hawai'i; and RUN HEIDELBERG, Hawai'i
State Hospital Administrator,

Respondents.

CASE NO(S). 20-CE-09-945

ORDER NO. 3812

ORDER SETTING DEADLINE FOR
RESPONSE TO MOTION TO DISMISS

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The Hawai'i Labor Relations Board (Board) received the Prohibited Practice Complaint (Complaint) filed by Complainant HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO (HGEA) on April 20, 2020. On June 15, 2020, Respondents DEPARTMENT OF HEALTH, State of Hawai'i; and RUN HEIDELBERG, Hawai'i State Hospital Administrator (collectively, Respondents, and collectively with HGEA, Parties) filed a Motion to Dismiss in Lieu of Answer (Motion to Dismiss).

The parties stipulated to staying the proceedings in this case on June 17, 2020, and the Board granted this request on July 1, 2020.

The Parties did not communicate further with the Board as to this case until after the Board issued a Notice of Intent to Dismiss (Notice of Intent) on May 24, 2021.

HGEA objected to the Notice of Intent on June 3, 2021 and represented that "Several meetings have taken place between the Parties and progress has been made towards a potential settlement. Another meeting is scheduled for June 4, 2021."

HGEA stated that, if the Parties failed to reach a settlement, this case could be scheduled for a hearing on the merits and asked the Board to allow the settlement discussions to continue for at least sixty days to attempt to conclude settlement discussions.

More than sixty days has passed since June 3, 2021, and the Board has not received further communication from the Parties.

Accordingly, the Board orders that any and all responses to the Motion to Dismiss be filed on or by November 16, 2021 at 4:30 p.m. This date cannot be altered without the Board's approval. Any motions or other requests to extend this date must be submitted to the Board with sufficient time for the Board to consider such an extension, setting forth good cause as to why an extension should be granted, given the foregoing.

NOTICE OF MOTION HEARING

Under Hawai'i Revised Statutes §§ 377-9, 89-5(i)(3), (4), (5), and 89-14, and Hawai'i Administrative Rules §§ 12-42-46 and 12-42-49:

NOTICE IS GIVEN that the Board will conduct a hearing on the Motion to Dismiss as set forth below. The purpose of this hearing is to hear any oral arguments on the Motion to Dismiss.

DATE AND TIME: November 18, 2021 at 10:30 a.m.

LOCATION: Remote Zoom Hearing

The Board will provide the relevant call-in information to the Parties.

Auxiliary aids and services are available upon request to the parties and representatives with disabilities. For TTY, dial 711, then ask for (808) 586-8616, the Hawai'i Labor Relations Board, within seven (7) days prior to a Board proceeding. For any other accommodation, please call the Board at (808) 586-8616.

DATED: Honolulu, Hawai'i, November 9, 2021.

HAWAI'I LABOR RELATIONS BOARD

MARCUS R. OSHIRO, Chair

EXCUSED

SESNITA A.D. MOEPONO, Member

JN MUSTO, Member

Copies sent to:

Stacy Moniz, HGEA (smoniz@hgea.org)

James E. Halvorson, Deputy Attorney General (james.e.halvorson@hawaii.gov)

HGEA v. DOH, ET AL.

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