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Case No. 16-CE-01-883a & b

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

UNITED PUBLIC WORKERS, AFSCME,
LOCAL 646, AFL-CIO,

Complainant(s),

and

HAWAII HEALTH SYSTEMS
CORPORATION, State of Hawaii,

Respondent(s).

CASE NO(S). 16-CE-01-883a
16-CE-10-883b

ORDER NO. 3854

ORDER GRANTING UPW'S
WITHDRAWAL OF MOTION FOR
AWARD AND ORDER OF COSTS,
ATTORNEY'S FEES, AND CIVIL
PENALTIES AND CLOSING THE CASE

**ORDER GRANTING UPW'S WITHDRAWAL OF
MOTION FOR AWARD AND ORDER OF COSTS,
ATTORNEY'S FEES, AND CIVIL PENALTIES AND CLOSING THE CASE**

On October 28, 2016, the Hawaii Labor Relations Board (Board) issued in this case Board Order No. 3199, Order Denying Hawaii Health Systems Corporation's Motion to Dismiss; and Granting, in Part, and Denying, in Part, United Public Workers, AFSCME, Local 646, AFL-CIO's Motion for Summary Judgment (Order No. 3199).

Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) filed with the Board a Motion for Award and Order of Costs, Attorney's Fees, and Civil Penalties, along with supporting documents (Motion for Costs, Fees, and Civil Penalties).

However, UPW filed a Notice of Appeal from Order No. 3199 with the Circuit Court in Civil No. 16-1-2153-11 (RAN), and Respondent HAWAII HEALTH SYSTEM CORPORATION, STATE OF HAWAII (HHSC) also filed a Notice of Appeal from Order No. 3199 with the Circuit Court, in Civil No. 16-1-2163-11 (RAN). In Civil No. 16-1-2163-11, the Circuit Court issued an order granting HHSC's motion for partial stay of enforcement of Order No. 3199 (Order Granting Partial Stay), which UPW appealed to the appellate courts.

By a summary disposition order and judgment, the Hawaii Intermediate Court of Appeals (ICA) concluded that the Circuit Court erred in entering the Order Granting Partial Stay, vacated the Order, and remanded the case to the Circuit Court for further proceedings.

On remand from the ICA, the Circuit Court issued an order remanding Order No. 3199, in part, to the Board for further determinations and clarifications of Order No. 3199 (Remand Order to the Board). In its order, the Circuit Court retained jurisdiction of the appeal pending the Board's issuance of an amended order and required the Board to notify the Circuit Court and the parties to the appeal upon issuance of the amended order.

On the remand from the Circuit Court, the Board issued Order No. 3288 amending Order No. 3199 to incorporate further determinations and clarifications in response to questions posed in the Remand Order to the Board and reaffirmed Order No. 3199 in all other respects.

The Board supplemented the certified record on appeal filed in Civil No. 16-1-2163-11 (RAN) with the record of the Board remand proceedings, which included Order No. 3288.

On July 25, 2019, the parties to the appeal stipulated to dismiss with prejudice all claims and parties to the appeals arising out of this case (Civil Nos. 16-2153-11, 16-1-2163-1, and 17-1-1525-09), which were consolidated by the Circuit Court, and the consolidated action.

On July 22, 2019, UPW filed a withdrawal of the Motion for Costs, Fees, and Civil Penalties with the Board.

The Board accepts the UPW's withdrawal of the Motion for Costs, Fees, and Civil Penalties. Therefore, because no further matters are pending before the Board in this case, this case is closed.

DATED: Honolulu, Hawai'i, June 3, 2022.

HAWAII LABOR RELATIONS BOARD




MARCUS R. OSHIRO, Chair


RESNITA A.D. MOEPONO, Member


N. MUSTO, Member

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