

STATE OF HAWAI'I
HAWAI'I LABOR RELATIONS BOARD

In the Matter of

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

Complainant(s),

and

DEPARTMENT OF EDUCATION, State
of Hawai'i; and BOARD OF EDUCATION,
State of Hawai'i,

Respondent(s).

CASE NO(S). 22-CE-06-974

ORDER NO. 3922

ORDER GRANTING, IN PART,
DEPARTMENT OF EDUCATION, STATE
OF HAWAI'I'S AND BOARD OF
EDUCATION, STATE OF HAWAI'I'S
REQUEST TO FILE AN ANSWER

ORDER GRANTING, IN PART, DEPARTMENT OF EDUCATION, STATE OF
HAWAI'I'S AND BOARD OF EDUCATION,
STATE OF HAWAI'I'S REQUEST TO FILE AN ANSWER

On November 22, 2022, the Hawai'i Labor Relations Board (Board) issued a notice of intent to accept Respondents DEPARTMENT OF EDUCATION, State of Hawai'i's and BOARD OF EDUCATION, State of Hawai'i's (collectively, Respondents) failure to file a timely answer as an admission of the material facts alleged in the complaint and a waiver of a hearing (Notice of Intent). In the Notice of Intent, the Board set a deadline to contest the Notice of Intent.

Respondents filed a timely response to the Notice of Intent (DOE/BOE Response) accompanied by a Declaration of James E. Halvorson stating he did not receive an email regarding the courtesy copy of the electronically filed Order No. 3911, Pretrial Order and Notices and the prohibited practice complaint (Complaint) that were filed and served on Respondents on November 4, 2022. In the DOE/BOE Response, Respondents request that the Board permit them to file an Answer to the Complaint and any applicable dispositive motions, and to proceed to a hearing on the merits.

Complainant HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO (Complainant or HGEA) filed a statement of no opposition to the relief requested in the DOE/BOE Response.

The Board does not find compelling Mr. Halvorson's argument that he failed to receive an email regarding the electronically filed courtesy copies of Order No. 3911 and the Complaint. These documents were sent via FileandServeXpress (FSX), which specifically states in its terms and conditions that email notifications are intended as courtesies and that only the FSX inbox should be used for any official status of receipt or service of a document. However, given HGEA's lack of opposition to Respondents' request, the Board will allow the Respondents to file an Answer to the Complaint.

Therefore, the Board orders that Respondents have until **Friday, December 16, 2022 at 4:30 p.m.** to file their Answer to the Complaint. **All dates and deadlines set forth in Order No. 3911 and the Errata are suspended and taken off the calendar. The Board will issue an amended Order No. 3911 Pretrial Order and Notices setting new dates and deadlines.**

DATED: Honolulu, Hawai'i, _____ December 6, 2022 _____.

HAWAII LABOR RELATIONS BOARD

MARCUS R. OSHIRO, Chair

SESNITA A.D. MOEPONO, Member

J N. MUSTO, Member

Copies sent to:

Keani Alapa, Esq.

Keith T. Hayashi, Superintendent, Department of Education, State of Hawai'i

Bruce Voss, Chairperson, Board of Education, State of Hawai'i

James Halvorson, Deputy Attorney General

Miriam Loui, Deputy Attorney General