

Electronically Filed  
Intermediate Court of Appeals  
CAAP-15-0000420  
23-NOV-2016  
08:16 AM

NO. CAAP-15-0000420

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

CIVIL NO. 03-1-0546-03

IN THE MATTER OF  
UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO,  
Complainant-Appellant-Appellant,

vs.

TIMOTHY A. HOUGHTON, DEPUTY DIRECTOR, DEPARTMENT OF  
ENVIRONMENTAL SERVICES, CITY AND COUNTY OF HONOLULU;  
LORI M.K. KAHIKINA, DIRECTOR, DEPARTMENT OF  
ENVIRONMENTAL SERVICES, CITY AND COUNTY OF HONOLULU;  
CAROLEE C. KUBO, DIRECTOR, DEPARTMENT OF HUMAN RESOURCES,  
CITY AND COUNTY OF HONOLULU; AND KIRK CALDWELL, MAYOR,  
CITY AND COUNTY OF HONOLULU,  
Respondents-Appellees-Appellees,

and

HAWAII LABOR RELATIONS BOARD, JAMES B. NICHOLSON, CHAIRPERSON;  
ROCK B. LEY, BOARD MEMBER; AND SESNITA A.D. MOEPONO,  
BOARD MEMBER,  
Agency-Appellees-Appellees.

FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

CIVIL NO. 03-1-0552-03

IN THE MATTER OF  
UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO,  
Complainant-Appellee-Appellant,

vs.

TIMOTHY A. HOUGHTON, DEPUTY DIRECTOR, DEPARTMENT OF  
ENVIRONMENTAL SERVICES, CITY AND COUNTY OF HONOLULU;  
LORI M.K. KAHIKINA, DIRECTOR, DEPARTMENT OF  
ENVIRONMENTAL SERVICES, CITY AND COUNTY OF HONOLULU;  
CAROLEE C. KUBO, DIRECTOR, DEPARTMENT OF HUMAN RESOURCES,  
CITY AND COUNTY OF HONOLULU; AND KIRK CALDWELL, MAYOR,  
CITY AND COUNTY OF HONOLULU,  
Respondents-Appellants-Appellees,

and

HAWAII LABOR RELATIONS BOARD, JAMES B. NICHOLSON, CHAIRPERSON;  
ROCK B. LEY, BOARD MEMBER; AND SESNITA A.D. MOEPONO,  
BOARD MEMBER,  
Agency-Appellees-Appellees.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT

ORDER DENYING UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO'S  
MOTION FOR RECONSIDERATION OF THE OPINION OF THE COURT

(By: Nakamura, Chief Judge, and Leonard, J.,  
with Foley, J., dissenting separately)

Upon consideration of "United Public Workers, AFSCME,  
Local 646, AFL-CIO's Motion for Reconsideration of the Opinion of  
the Court" (Motion for Reconsideration) filed on November 14,  
2016, the papers in support, and the record and files in this  
case,

IT IS HEREBY ORDERED that the Motion for  
Reconsideration is denied.

DATED: Honolulu, Hawai'i, November 23, 2016.

On the motion:

Herbert R. Takahashi  
Rebecca L. Covert  
(Takahashi and Covert)  
Attorneys for Complainant-  
Appellant-Appellant

*Craig H. Nakamura*  
Chief Judge

*[Signature]*  
Associate Judge

I respectfully dissent. Based on my dissent to the Opinion of the Court filed on September 15, 2016, I would grant the Motion for Reconsideration.

  
Associate Judge