

*** NOT FOR PUBLICATION ***

NO. 26844

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

In the Matter of the Arbitration Between, UNITED PUBLIC WORKERS,
AFSCME, LOCAL 646, AFL-CIO, Union-Appellee, Cross-Appellant

and

CITY AND COUNTY OF HONOLULU, DEPT. OF HUMAN RESOURCES (Class
griev. re: refusal to remove derogatory materials and unilateral
implementation of new policy re: removal of derogatory
materials); ES01-19; 2001-021, 2003-028,
Employer-Appellant, Cross-Appellee

APPEAL FROM THE FIRST CIRCUIT COURT
(S.P. NO. 04-1-0170)

ORDER DISMISSING APPEAL
OF APPELLANT CITY AND COUNTY OF HONOLULU
(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the statements supporting and contesting jurisdiction, the motion to dismiss appeal, the papers in support and in opposition to the motion and the record, it appears that the August 24, 2004 order granting dismissal of the application to vacate or modify arbitration award is not an appealable order under HRS §§ 658-12 and 658-15 (1993). The August 24, 2004 order is not a collateral order and is not appealable as a final order under HRS § 641-1(a). Therefore,

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IT IS HEREBY ORDERED that the appeal by appellant City and County of Honolulu is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, February 11, 2005.