

LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD

STATE OF HAWAII

In the Matter of)	CASE NO. OSAB 97-015
JIM SKELLINGTON,)	(DISCRIMINATION COMPLAINT)
Complainant,)	
)	
vs.)	
)	
CITY AND COUNTY OF HONOLULU,)	
KAPOLEI FIRE STATION,)	
Respondent,)	
)	
and)	
)	
DIRECTOR, DEPARTMENT OF LABOR)	
AND INDUSTRIAL RELATIONS.)	
_____)	

FILED
 SEP 21 2001
 HONOLULU, HAWAII

'01 SEP 21 PM 2:21

AMENDED DECISION AND ORDER

On August 29, 2001, the Labor and Industrial Relations Appeals Board (Board) issued a DECISION AND ORDER in the above-captioned matter, wherein the Board, inter alia, ordered Respondent to (a) pay Complainant full back pay restitution for all monies, benefits, and seniority lost from January 1, 1997 to the effective date of the decision of this contest and (b) pay \$1,000 as a penalty for the violation of Hawaii Revised Statutes (HRS) Section 396-89(e) to the Department of Labor and Industrial Relations' Hawaii Occupational Safety & Health Division (HIOSH or OSHA), in the form of a check or money order payable to the Director of Budget and Finance within twenty (20) days of receipt of the Decision and Order.

On September 18, 2001, Respondent filed a Motion for Reconsideration of the Decision and Order dated August 29, 2001, requesting that the Board allow it thirty (30) days to pay the back pay to Complainant and the penalty to the Director of Budget

and Finance. Having reviewed Respondent's motion for reconsideration, and being fully advised in the premises, we grant Respondent's motion. Pursuant to Section 12-47-54 of the Board's Rules of Practice and Procedure, we are filing an AMENDED DECISION AND ORDER (Amended Decision) to allow Respondent thirty (30) days from the date of this Amended Decision and Order to pay the back pay to Complainant and the penalty to the Director of Budget and Finance.

Number 2 in the ORDER, on page 13 is amended to read:

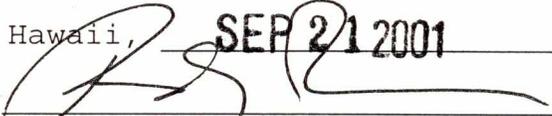
Pay Skellington full back pay restitution for all monies, benefits, and seniority lost from January 1, 1997 to the effective date of the decision of this contest within 30 calendar days from the date of **this Amended Decision and Order.**

Number 5 in the ORDER, on page 14 is amended to read:

Pay \$1,000 as a penalty for the violation of HRS §396-8(e) to HIOSH, in the form of a check or money order payable to the Director of Budget and Finance within 30 calendar days from the date of **this Amended Decision and Order.**

Dated: Honolulu, Hawaii,

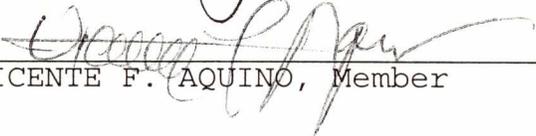
SEP 21 2001



RANDALL Y. IWASE, Chairman



CAROL K. YAMAMOTO, Member



VICENTE F. AQUINO, Member

Michael Jay Green, Esq.
David J. Gierlach, Esq.
Debra A. Kagawa, Esq.
for Complainant

Paul K.W. Au, Esq.
for Respondent

Herbert B.K. Lau, Esq.
for the Director, Department
of Labor and Industrial Relations

NOTICE TO EMPLOYER:

You are required to post a copy of this Decision and Order at
or near where citations under the Hawaii Occupational Safety
and Health Law are posted.

A certified copy of the foregoing was mailed to the above-captioned parties or
their legal representative on SEP 21 2001.

I do hereby certify that the foregoing
is a full, true and correct copy of
the original on file in this office.

Caral Kanchira