

STATE OF HAWAII

PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of)	
)	
HAWAII GOVERNMENT EMPLOYEES' ASSOCIATION)	Case No. <u>DR-06-3</u>
Local 152, HGEA/AFSCME,)	
)	Decision No. <u>16</u>
and)	
)	
DEPARTMENT OF EDUCATION, STATE OF HAWAII.)	
)	

DECLARATORY RULING AND ORDER

The Hawaii Government Employees' Association, having filed a petition with the Hawaii Public Employment Relations Board on May 19, 1972, wherein it requested the Board to clarify its decision, Case No. SF-06-2 issued on April 20, 1972, relating to service fees for educational officers and other personnel of the Department of Education under the same salary schedule, Unit 6, and to specifically direct the Department of Accounting and General Services to continue to deduct the service fee until the Board directs otherwise, and the Board, having been informed that the Department of Accounting and General Services intends to automatically terminate such service fee deduction on June 15, 1972, hereby makes the following Declaratory Ruling and Order.

The Board has clarified its order with respect to establishing an interim service fee in its decision, In the Matter of the Hawaii State Teachers Association and the Department of Education, State of Hawaii, Case No. DR-05-2 (May 16, 1972). In essence, the Board stated therein:

"The end of the interim certification period is only a point in time after which the Board may, upon application of an affected employee, or of the exclusive representative or in the Board's discretion, initiate a review of the service fee."

Inasmuch as no petition requesting a review of service fees for Unit 6 has been filed with the Board, and the Board, being aware that the exclusive representative has only executed a partial agreement and is still negotiating unresolved issues on salary increases and grievances concerning the application of the classification system, finds no useful purpose in initiating a review of the service fee deduction for Unit 6 at this time.

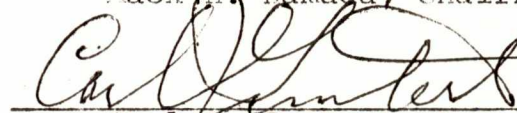
In light of our recent decision ordering the continuance of service fees for teachers, Unit 5, we are astonished that the Department of Accounting and General Services has taken such an intransigent position to terminate the service fee deduction for educational officers. As it is this Board's responsibility to promote harmonious and cooperative relations between government and its employees, we emphasize herein, so that it is made crystal clear, that any interim service fee order of this Board shall not terminate automatically, but that such service fee may be adjusted thereafter upon completion of a review by the Board. The employer shall continue the service fee deduction in accordance with the Board's initial certification until the Board issues an order specifying that an adjustment be made. Thereupon, the employer shall forthwith increase or decrease, as the case may be, the amount of payroll deduction for such service fee at the next succeeding payroll period possible.

THEREFORE, IT IS HEREBY ORDERED that the Public Employer shall continue to deduct service fees in accordance with the Board's initial certification of such service fee for Unit 6, until such time as this Board directs otherwise.

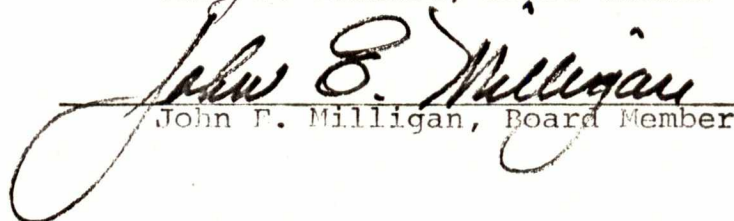
HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD



Mack H. Hamada, Chairman



Carl J. Guntert, Board Member



John P. Milligan, Board Member

Dated: May 25, 1972

Honolulu, Hawaii