

STATE OF HAWAII

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of	)	CASE NO. PE-12-01
	)	
STATE OF HAWAII ORGANIZATION	)	DECISION NO. 168
OF POLICE OFFICERS (SHOPO)	)	
and VIRGINIA L. SANDERSON,	)	
	)	
Petitioners,	)	
	)	
and	)	
	)	
EILEEN R. ANDERSON, Mayor	)	
of the City and County	)	
of Honolulu,	)	
	)	
Respondent.	)	

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FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER

On August 6, 1982, the STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS [hereinafter referred to as SHOPO], and VIRGINIA L. SANDERSON [hereinafter collectively referred to as Petitioners] by and through their attorney, Jonathan L. Ortiz, filed a Petition for Enforcement of Order with this Board. Petitioners requested the Board to petition the Circuit Court of the First Judicial Circuit for a restraining order or other appropriate relief to prohibit EILEEN R. ANDERSON, Mayor of the City and County of Honolulu [hereinafter referred to as Respondent] from continuing in her failure to comply with Decision No. 161, State of Hawaii Organization of Police Officers (SHOPO), 3 HPERB \_\_\_\_\_ (1982), issued on June 7, 1982.

After due notice, a hearing on the instant petition was held on September 21, 1982, in the Board's hearings room.

Based upon a review of the record and arguments presented in this case, the Board makes the following findings of fact, conclusions of law and order.

#### FINDINGS OF FACT

Pursuant to Administrative Rules, Subsection 12-42-8(g)(8)(F), the Board takes judicial notice of the records and files in Case No. CE-12-66 culminating in Decision No. 161, State of Hawaii Organization of Police Officers (SHOPO), supra [hereinafter referred to as SHOPO case].

The Board in the above-cited case held inter alia, that the Employer's refusals to arbitrate the grievance of VIRGINIA L. SANDERSON and to provide relevant information to the union contrary to a prior settlement agreement constituted prohibited practices. The Board thereupon ordered the Employer to cease and desist from its prohibited practices and affirmatively ordered the parties to submit the subject dispute, in good faith, to an arbitrator for a determination of arbitrability in accordance with applicable contractual procedures.

Petitioner SHOPO is an employee organization and is the exclusive representative, as defined in Subsection 89-2(10), Hawaii Revised Statutes [hereinafter referred to as HRS], of Unit 12 (Police Officers).

Petitioner VIRGINIA L. SANDERSON was, for all times relevant, a public employee, as defined in Subsection 89-2(7), HRS, and a member of Unit 12. SANDERSON was a police officer with the Honolulu Police Department.

Respondent EILEEN R. ANDERSON is the Mayor of the City and County of Honolulu and a public employer within the

meaning of Subsection 89-2(9), HRS, of employees of the City and County of Honolulu.

At the hearing in this matter, counsel for Petitioners indicated that pursuant to the above decision he had issued a letter to the Chief of Police asking for information relevant to the SANDERSON grievance. Since that time no information had been received. Transcript [hereinafter referred to as Tr.], p. 4. This clearly, SHOPO argued, constituted a violation of the Board order. Tr. p. 5.

Counsel for Respondent acknowledged that the Employer took the position that SHOPO already had the relevant information available. However, in light of SHOPO's willingness to proceed to arbitration on the "entire issue of arbitrability," Respondent had no objections to producing SANDERSON's personnel records as requested. Tr. p. 6.

Whereupon, the Board, by Chairperson Hamada, instructed counsel for Respondent to provide the requested information to SHOPO by 4:30 p.m. of the second day following the hearing, September 23, 1982. Tr. p. 7. Counsel for Respondent acknowledged the Board's instruction. Tr. pp. 7-8.

On September 24, 1982, the Board received a copy of a letter, dated September 23, 1982, from Charlotte J. Duarte, Deputy Corporation Counsel to Jonathan Ortiz, Esq., General Counsel for SHOPO. The letter confirms that on Wednesday, September 22, 1982, Ms. Duarte delivered the information relevant to SANDERSON's termination to SHOPO, as requested.



CONCLUSIONS OF LAW

As the information requested by Petitioners has been provided by the Respondent in compliance with the SHOPO case, there appears to be no actionable controversy existing between the parties. Hence, the Board deems this case to be moot.

ORDER

This case is dismissed.

DATED: Honolulu, Hawaii, October 26, 1982.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

  
MACK H. HAMADA, Chairperson

  
JAMES K. CLARK, Board Member

  
JAMES R. CARRAS, Board Member

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