

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. 88-1(CE)
)	
UNITED FOOD & COMMERCIAL)	DECISION NO. 290
WORKERS UNION, LOCAL 480,)	
AFL-CIO, CLC,)	FINDINGS OF FACT, CONCLU-
)	SIONS OF LAW AND ORDER
Complainant,)	
)	
and)	
)	
HAWAIIAN MILLING CORPORATION,)	
)	
Respondent.)	

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

On February 8, 1988, the UNITED FOOD & COMMERCIAL WORKERS UNION, LOCAL 480, AFL-CIO, CLC [hereinafter referred to as the Complainant], filed an Unfair Labor Practice Complaint with the Hawaii Labor Relations Board [hereinafter referred to as Board], designated as Case No. 88-1(CE). In its complaint, Complainant alleged that HAWAIIAN MILLING CORPORATION [hereinafter referred to as Respondent, Company or Employer] engaged in or was engaging in unfair labor practices in violation of Subsection 377-6(1), Hawaii Revised Statutes [hereinafter referred to as HRS]. Complainant alleged that on or about January 4, 1988, the Employer, through its agent, Charles Uhler (also known as Chuck Uhler), threatened to run down the employees Anthony Seden and Edgardo Fuentes, who were picketing the Company's premises, if they did not let him pass while driving a tractor trailer belonging to RHS Lee, Inc.

On February 19, 1988, Respondent, represented by Richard M. Rand, Esq., denied the allegations of the complaint and raised its affirmative defense that any statements made by Respondent or its agents were protected under Section 377-16, HRS, as an exercise of Respondent's right to freedom of speech.

A hearing on this complaint was held on March 17, 1988, May 11, 1988 and May 18, 1988.

All parties were afforded full opportunity to call and cross-examine witnesses, submit exhibits and present briefs and oral arguments.

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

FINDINGS OF FACT

Complainant UNITED FOOD & COMMERCIAL WORKERS UNION, LOCAL 480, AFL-CIO, CLC, is a labor organization which is duly certified by this Board to represent eligible employees of the HAWAIIAN MILLING CORPORATION for the purposes of collective bargaining.

Respondent HAWAIIAN MILLING CORPORATION is an employer as defined in Subsection 377-1(2), HRS.

I. POSITION OF COMPLAINANT

A. TESTIMONY OF ANTHONY SEDENO

On January 4, 1988, he and Edgardo Fuentes, employees of Respondent, were on a picket line at the Company's premises

about 5:00 a.m. While at the picket line, Sedeno saw Jesse Canoy drive up in RHS Lee's tractor trailer. Canoy parked the truck about 75 feet away from Sedeno and Fuentes on the Diamond Head side of Kalaeloa Boulevard. Transcript [hereinafter referred to as Tr.] I,^{*} pp. 6-8. Sedeno and Fuentes were picketing about ten feet apart in front of the driveway to the main gate of Respondent. Chuck Uhlir, the cattle foreman of Respondent, came out of Respondent's premises through the main gate passing Sedeno and Fuentes. Sedeno told Uhlir to wait for Lee's scab driver, but Uhlir said he was going to drive the truck through. Tr. I, pp. 10-11 and 36.

Uhlir went to Canoy's truck and drove it to the driveway and stopped in front of Sedeno and Fuentes. Uhlir jumped down and told Fuentes and Sedeno that if they did not let him in, he was going to run them down. Sedeno again told Uhlir that he should wait for Richard Lee's scab driver. Tr. I, pp. 10-12 and 29. Uhlir got angry. He jumped back into the truck and backed up about 20 to 30 feet. Sedeno told Fuentes to watch out for Uhlir because he was crazy. Uhlir then drove forward real fast and pressed on the air brakes and came within five feet of Sedeno and Fuentes. Sedeno testified that he was scared at that point. Tr. I, pp. 12 and 29. Sedeno testified that Uhlir again jumped down from the truck and came up to Sedeno and Fuentes and he

^{*} As used herein, "I" refers to the transcript of the hearing dated March 17, 1988; "II" refers to the transcript of the hearing held on May 11, 1988; "III" refers to the transcript of the hearing held on May 18, 1988.

started to harass them. Seden0 told Uhlir to wait for the scab driver, who eventually arrived about ten minutes later. The truck then went through. Tr. I, p. 13.

Chairperson Hamada questioned Seden0 about Uhlir's alleged harassment--whether it was by words or by action. Seden0 (who was about to break down on the witness stand) upon some urging, stated in effect that: When Uhlir came down from the truck the second time, he told me that I couldn't get a job because I had a chest problem. He used an angry tone of voice that was very loud, standing face-to-face with him, and that Uhlir touched him and said, "Look at me when I'm talking to you." Uhlir's face was about four to five inches away from him. Tr. I, pp. 22-26.

B. TESTIMONY OF EDGARDO FUENTES

Fuentes stated that he arrived at the picket line to join Seden0 around 6:00 a.m. on January 4, 1988. A few minutes later, Jesse Canoy drove up in the truck and trailer. Tr. II, pp. 10-11 and 15. He heard Uhlir tell them that he was going to drive the truck through. Uhlir then drove the truck straight to the driveway and stopped close to where they were picketing. Tr. II, pp. 18-20. Fuentes testified that Uhlir drove the truck fast and suddenly stopped it. He could hear the brakes and tires. He moved away from the truck because he was afraid Uhlir might "bang me." Tr. II, pp. 22-23.

Fuentes saw Uhlir get out of the truck and heard Uhlir telling Seden0 that the only reason he came to the picket line every day was because Seden0 could not get a job--he was

disabled. Tr. II, p. 24. Fuentes stated that Uhler came very close to his face and said, "You know what, if you never go outside the strike, you are the first guy to receive--to get increase." Uhler was angry; he wanted to fight when he talked to him; and that Uhler followed him as he was walking. Tr. II, pp. 24-25.

After this incident, Uhler climbed back into the truck, backed it up about 30 feet, drove the truck forward again racing the engine, driving up to the picket line and stopping about three feet away from where Fuentes and Seden were walking. Tr. II, p. 26. Uhler came out of the truck looking mad but Fuentes did not pay attention to what Uhler was saying. Fuentes testified that he waited about 30 minutes and left the area. Tr. II, pp. 28-29. Fuentes further stated that Uhler drove the truck fast on both occasions; heard the brakes screech; and he moved to the side of the driveway. Tr. II, p. 37.

C. TESTIMONY OF JESSE CANOY

Jesse Canoy testified that he has worked for RHS Lee Trucking Company as a truck driver for about ten years, driving commodities such as containers and livestock. He stated that he is a union member of the Operating Engineers Local 3. Tr. III, pp. 5-6. Canoy testified that he goes to the Company usually every morning at about 5:30 a.m., five days a week. He usually drives a tractor with a double trailer to load live cattle at Respondent's plant and deliver it to the slaughterhouse. Tr. III, pp. 6-7.

Canoy testified that he was aware of a strike that has been going on at Respondent's plant since March 1987. He stated that he followed his own rules that when other union boys are picketing the line, he will not drive through the picket line even if there is only one person there picketing. He would make arrangements to have a nonunion man drive his tractor and trailers through a picket line. Tr. III, p. 8. Canoy also testified that he was not sure about the date of this subject incident, but he recalled that Uhler drove his truck up to the driveway to the main gate and stopped. He remembers there was shouting but he did not pay attention to it. He stated Uhler eventually reversed the truck back to its original position. Tr. III, pp. 13-15.

On cross-examination by Respondent's attorney, Canoy testified and explained about the physical aspect of his truck-- which was a big tractor with double trailers. The tractor comes with a double stick transmission so that the truck can go through about 20 gear shifts. Tr. III, PP. 16-17.

Under cross-examination by Chairperson Hamada, Canoy testified that he was about 60 to 70 feet when he saw Uhler get out of the truck and stood next to it, and then he saw Uhler get back into the truck and reversed it. Tr. III, pp. 23-24. When Chairperson Hamada questioned Canoy whether he knew that Mr. Uhler did not have a Type 6 driver's license, he stated, "Oh, I know." Canoy denied that he permitted Uhler to drive his tractor. He said that Uhler just got into the truck and moved it.

Canoy also stated that his concern was getting his truck in and getting his load out. Tr. III, pp. 28-29.

Board member Machida questioned Canoy about the air brakes and the sound connected therewith. Canoy testified that he could not recall whether it was loud, but admitted that it was not too loud. Tr. III, pp. 32-34.

4. TESTIMONY OF CHARLES UHLIR

Charles Uhlir testified that he was employed by the Respondent holding the position of a cattle foreman. On January 4, 1988, he came out of the main gate, walked down the driveway and went to Canoy's truck. Uhlir denied that he said anything to Sedeno or Fuentes on his way to the truck. He testified that the purpose of going up to the truck was because he saw that there was no nonunion driver there to drive the truck in. He therefore offered his services to bring the truck in. Tr. I, pp. 36 and 39. Uhlir further testified that Canoy got out of the truck and Canoy said, "Ok, take the truck." He started the truck, and Sedeno and Fuentes went to the gates to picket. Realizing that they were going to picket, he parked the truck. When he got out of the truck, Sedeno and Fuentes left their picket lines and sat down. Since they sat down, Uhlir assumed that he could drive the truck through. He drove the truck forward. However, they again stood up to picket and they walked in front of the truck. Tr. I, p. 40. Uhlir testified that he got out of the truck and he told Sedeno and Fuentes that they could keep right on picketing if they were going to keep the trucks from coming through the gate. He also testified that he

told Fuentes, "You know, Eddie, when this strike came you would have gotten a raise. Instead of what you are making, you would be making a little more now. So I don't understand why you are out here in the cold." He claims Fuentes told him to just leave him alone. Tr. I, pp. 43-44.

Uhlir said the truck eventually got through the gate sometime around 6:00 a.m. when a nonunion driver showed up and drove it through the gate. Tr. I, p. 45. Uhlir denied that he ever told Fuentes that he was going to run him over if he didn't get out of the way, and he denied having any conversation with Seden. Tr. I, p. 46.

Under cross-examination, Uhlir testified that Seden and Fuentes did move by waddling back and forth in front of the truck about 7 1/2 to 8 feet apart. He claims they walked just in front of the truck. However, he did testify the driveway is about 30 feet wide. Tr. I, pp. 47-48.

Under examination by Chairperson Hamada, Uhlir testified that he was upset when he came out to bring the truck in because they would not let him come through the gate when other times they would always allow nonunion drivers to drive the truck in. However, he did agree with Chairperson Hamada that there is a difference between a nonunion driver and a management person driving the truck in. Tr. I, p. 54.

Under examination by Board Member Carras, Uhlir testified that his original intention was not to go out and drive the truck in but rather to find out where the nonunion driver was. Upon finding that the nonunion driver was late, Uhlir then

decided to drive the truck in. However, he testified that there were ground rules that nonunion drivers should drive the trucks through the picket line and not anyone else. He found his changing the ground rules did not matter because the people on the picket line did not like him anyway. Tr. I, pp. 57-59.

II. RESPONDENT'S POSITION ON THE FACTS

Respondent after synthesizing the testimony of the various witnesses in this case believes that the following facts should be the basis of the Board's decision:

January 4, 1988 was a Monday. The schedule was to load the cattle onto the trucks at about 5:40 a.m. for delivery to the slaughterhouse. As Uhler explained, Monday morning "is important because it is the first day of the week that the cattle have to be down at the slaughter house. For them to start on time they must have their cattle by a certain time." Tr. I, pp. 49 and 64. When Uhler noticed the truck was not on time, he walked out of the main gate and observed that the truck was parked on the curb across the street on Kalaeloa Boulevard. He noticed Seden sitting in his truck and Fuentes in his car. Uhler testified that he did not speak to either employee. Tr. I, pp. 38-39.

Uhler approached Canoy and offered to drive the truck himself. Uhler entered the truck, started it and moved it forward slowly. As he moved the truck slowly toward the main gate, Seden and Fuentes got out of their vehicles and started to picket. So he stopped the truck and set the parking brake.

Uhlir got out, noticed that the employees had stopped picketing and were sitting down. Uhlir went back into the truck and moved it forward again. Sedenio resumed picketing and both employees stood in front of the truck at the main gate. Tr. I, pp. 39-41. After Uhlir had moved the truck for a second time, he got out of the truck and told the employees that if they were going to picket they should stand up and picket. Uhlir told Fuentes that he couldn't understand why he was picketing because he could have made more money under the Company's last proposal. Uhlir told Sedenio that he must have had better things to do on a cold morning. Tr. I, pp. 43-44. Uhler testified that ultimately, a nonunion driver arrived and drove the truck through the gate about 6:05 a.m. Tr. I, p. 45.

The Board is mindful of the Complainant's and Respondent's positions on the disputed facts. After separating the "wheat from the chaff," so to speak, and carefully weighing the evidence in this case, we base our decision on the following findings of facts which are most relevant and material.

On Monday, January 4, 1988, Jesse Canoy drove a diesel tractor with double trailers to Respondent's plant within the Campbell Industrial Park. He arrived at Respondent's premises around 5:30 a.m. Tr. III, pp. 7 and 16.

According to Respondent's brief, there was a pre-arranged schedule to load the cattle onto the trailers at approximately 5:40 a.m. for delivery to the slaughterhouse. See, Respondent's Brief, pp. 3-4.

Time was of the essence. As Uhlir, Respondent's cattle foreman, stated, "Monday morning is important because it is the first day of the week that the cattle have to be down to the slaughterhouse. And for them to start on time, they must have their cattle by a certain time." Tr. I, p. 64.

When Uhlir noticed the truck had not come into Respondent's premises on schedule, he walked out of the main gate onto Olai Street and saw that the truck was parked on the curb across the street on Kalaeloa Boulevard. Uhlir testified that the reason why he came out the main gate was to "see what the holdup was." Tr. I, p. 38. He noticed Sedenio sitting in his truck and Fuentes in his car. Uhlir testified that he did not speak to either employee. Tr. I, pp. 38-39.

Canoy testified that he was aware of a strike that has been going on at Respondent's plant since March 1987. Being a union member, he stated that he followed his own rules that when other union boys are picketing the line, he will not drive through the picket line even if there is only one person there picketing. Canoy would make arrangements to have a nonunion man drive his tractor and trailers through a picket line. Tr. III, p. 8.

Board member Carras questioned Uhlir as to how urgent it was that he had to move the truck at that time of the operation. Uhlir in response testified that Canoy had called for a nonunion driver, but he wasn't sure when the driver was going to show up--hopefully before 6:30 a.m. Therefore, Uhlir said, "Well, I'll drive the truck in, then, if it's all right." Canoy

said, "Ok." Uhler admitted, "And that's when all this happened." Tr. I, pp. 57-58.

In the meantime, Sedeno and Fuentes started to picket when they saw Jesse Canoy drive up in RHS Lee's tractor trailers. They were picketing about ten feet apart in front of the main entrance driveway to the main gate of Respondent. They also saw Uhler coming out of Respondent's premises through the main gate. Sedeno testified that he told Uhler to wait for Lee's scab driver, but Uhler said he was going to drive the truck through. Tr. I, pp. 6-8, 10-11 and 36.

When Sedeno and Fuentes realized that Uhler was going to drive the truck, Sedeno told Fuentes, "Picket this one because no have license." Tr. II, pp. 36-37.

Uhler testified that after receiving permission from Canoy to drive the truck, he started it up and moved it forward slowly. Sedeno and Fuentes then proceeded to picket the main and side gates. Realizing that Sedeno and Fuentes were going to picket, Uhler hit the parking brake and parked the truck. When he got out of the truck, Sedeno and Fuentes left their picket lines and sat down. Since they sat down, Uhler went back into the truck and drove it forward again. However, they again stood up to picket and they walked in front of the truck. Tr. I, pp. 40-41.

When Uhler drove the truck forward the first time and stopped in front of Sedeno and Fuentes, Sedeno testified that Uhler jumped down and told them that if they did not let him in,

he was going to run them down. Tr. I, pp. 10-12 and 29. Uhler denied making this statement. Tr. I, p. 46.

The Board is cognizant of the respective positions of the Complainant and Respondent concerning the disputed facts relating to what transpired after Uhler drove the truck forward the second time. Therefore, we will not elaborate in detail what was allegedly said or done. Instead, what we think is material will be dealt with in the following portion of this decision.

CONCLUSIONS OF LAW

Complainant alleges that Respondent violated Subsection 377-6(1), HRS. This provision states as follows:

Section 377-6 Unfair labor practices of employers. It shall be an unfair labor practice for an employer individually or in concert with others:

- (1) To interfere with, restrain, or coerce the employer's employees in the exercise of the rights guaranteed in section 377-4;

* * *

Section 377-4, HRS, defines the rights of employees as follows:

Section 377-4 Rights of employees. Employees shall have the right of self-organization and the right to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection, and such employees shall also have the right to refrain from any and all such activities, provided that employees may be required to join a union under an all-

union agreement as provided in section 377-6(3).

The question before the Board is to decide whether on January 4, 1988, the Respondent, through its agent, Charles Uhler, threatened (by word or conduct) to run down the employees Anthony Sedenio and Edgardo Fuentes, who were picketing the Company's premises, if they did not let him pass while driving a tractor trailer belonging to RHS Lee, Inc., thereby violating Subsection 377-6(1), HRS.

Section 377-6(1), HRS, makes it an unfair labor practice for an employer to interfere with, restrain or coerce employees in the free exercise of their Section 377-4, HRS, rights. Section 377-4, HRS, guarantees employees the right "to form, join, or assist labor organizations . . . and to engage in lawful, concerted activities for the purpose of collective bargaining" In examining an Employer's conduct under Subsection 377-6(1), HRS, then "the test is not whether the language or acts were coercive in actual fact, but whether the conduct in question had a reasonable tendency in the totality of the circumstances to intimidate." Corrie Corp. v. NLRB, 375 F.2d 149, 153, 64 LRRM 2731 (4th Cir. 1967).

In DeQueen General Hospital v. NLRB, 744 F.2d 612, 117 LRRM 2534 (8th Cir. 1984), the Court held:

In evaluating employer conduct *** the test is not whether an attempt at [interference] has succeeded or failed, but whether "the employer engaged in conduct which reasonably tends to interfere with, restrain, or coerce employees in the free exercise of their rights under Section 7." NLRB v. Intertherm, Inc., 596 F.2d 267, 271, 100 LRRM 3016 (8th Cir. 1979) (quoting Russell Stover

Id. at 2536.

Addressing the merits of the case, we present our analysis of the facts based upon our experience and common sense in labor-management relations.

When expectations are not met, it is reasonable to conclude that a person will be upset, frustrated, and even angry. On January 4, 1988, Charles Uhler, an agent of the Employer, according to a prearranged schedule, expected the cattle to be loaded onto the trailers at approximately 5:40 a.m. for delivery to the slaughterhouse. The truck and trailers arrived on time, but the hold up was caused because there wasn't a nonunion driver present with Canoy at that time. Realizing that he might have to wait until 6:30 a.m. for the nonunion driver to show up, Uhler volunteered to drive the truck in. Under these circumstances, Uhler admitted, "And that's when all this happened." Tr. I, pp. 57-58.

Upon questioning by Board member Carras concerning the relationship between management and the strikers, and more specifically, if they had some ground rules covering this kind of situation, Uhler testified that the "ground rules as far as we have an understanding [was] that in order to play it safe, when the union is out in front, that they bring the nonunion driver along, and he can drive the truck in. And it doesn't hold us up very much." Tr. I, p. 58.

As time was running late, Uhler got into the truck and started it up. It is reasonable to infer that he had to rev up

the diesel engine to get the air brakes pressure system up. It is undisputed that Uhler drove the truck forward towards the picketers twice.

Under examination by Chairperson Hamada, Uhler admitted that he was upset when he came out to bring the truck in because the picketers (Sedeno and Fuentes) would not let him come through the gate when other times they would always allow nonunion drivers to drive the truck in. Tr. I, p. 54.

The evidence also shows that Uhler was not properly licensed to drive a tractor trailer rig on a public highway. Canoy, Sedeno and Fuentes all knew about this fact. Instead of following the ground rules in this situation, Uhler was determined to drive the truck in. He also admitted that there is a difference between a nonunion driver and a management person driving the truck in. Tr. I, p. 54.

In response to Board member Carras' question as to whether it was inflammatory for Uhler to get in and drive the truck--which might disturb the relationship between management and the strikers, Uhler responded, "No. They don't like me anyway. You know, I have nothing--I have no bonding to these people . . . " Tr. I, pp. 58-59.

The Board finds that Sedeno and Fuentes were actively engaged in picketing at the time of the incident. When the picketers realized that Uhler was going to drive the truck through, Sedeno told Fuentes, "Picket this one because no have license." Tr. II, pp. 36-37.

The Board also notes that Uhlir jumped off the truck twice and engaged in some conversation with the picketers. The record indicates that the ensuing conversation between the parties herein, by itself, did not interfere with, restrain or coerce the picketers in the free exercise of their rights.

However, the Board concludes that there is substantial evidence in the record, considered as a whole, that Respondent's conduct in question had a reasonable tendency in the totality of the circumstances to intimidate.

We base our holding on several distinct "indicators" that will show the conduct exhibited by Uhlir was coercive and intimidating.

We will assume, arguendo, that Uhlir did not state that he was going to run the picketers down if they did not let him drive through the gate, on January 4, 1988. Nevertheless, Uhlir's conduct independent of any alleged statements of threat, reasonably tends to interfere with the employees in the free exercise of their rights to picket under Chapter 377, HRS.

To begin, one basic indicator we relied upon concerned Uhlir's frame of mind which reflected upon his overt action--stemming from his decision to start the truck and driving it towards the picketers, knowing that they were present near the entrances of both gates of Respondent's plant. As we have noted before, time was of the essence on this Monday morning, the beginning of a new year. Instead of being patient, Uhlir decided to deviate from the ground rules by not waiting for a nonunion driver to come to drive the truck through. He took the risk from

playing it safe and drove the truck, without a license, towards the picketers.

Based upon the testimony of Sedeno and Fuentes, Uhlir drove the truck within a few feet from where they were positioned on the picket line. Uhlir drove forward towards them not once but twice. He jumped down from the truck twice, and on each separate occasion, supposedly there were a few heated words exchanged. Canoy also attested to this fact, because although he was some 60 to 70 feet away, he remembered that there was shouting among the parties. Tr. III, pp. 13-15.

We also recognize that this is not an isolated case. We have heard numerous other cases prior to this incident--involving Mr. Uhlir, Sedeno and Fuentes. Uhlir's anti-union animus is glaringly shown, when he admitted that the employees didn't like him anyway, and he didn't have any bonding to these people. Tr. I, p. 59.

We now focus our attention to another indicator which we base our decision upon. The instrument which the Respondent's agent used to attempt to interfere with the employees' rights in this case was a tractor with two trailers. This wasn't an ordinary motor vehicle. The tractor contained a diesel engine. It was equipped with two transmission sequences--with the possibility of going through at least 20 forward speeds. The truck was also equipped with an air brakes system. The size of the truck and trailers looming towards a person, together with the sound of the engine and noise from the air brakes, would

reasonably cause Seden and Fuentes to be scared and perceive that they might be struck or run over by this monstrous truck.

We recognize the argument submitted by Respondent's counsel concerning the contradictory and inconsistent testimonies offered by the employees in this case. However, the Board did not give much weight as to the question of speed, whether the truck was reversed, and if so, how far, and the specific language used between the parties herein.

Uhlir might have driven the truck in a relatively safe and competent manner. But the Board considered Uhlir's frame of mind and his total conduct during the half-hour episode with the picketers. As a cattle foreman, he should have used better judgment by not inciting the situation. The following metaphor would have helped diffuse the situation: Without wood, a fire goes out; without shouting, quarreling stops; charcoal keeps the embers glowing; wood keeps the fire burning; and troublemakers keep arguments alive.

After considering the record as a whole, the Board concludes that Uhlir's conduct had a reasonable tendency in the totality of the circumstances to intimidate the two employees. Further, we follow the guideline that in evaluating employer conduct, the test is not based on whether an attempt at interference has succeeded or failed, but whether the employer engaged in conduct which reasonably tends to interfere with employees in the free exercise of their rights. See, DeQueen General Hospital v. NLRB, supra, at 2536.

ORDER

In accordance with the foregoing, the Board hereby orders and directs the following:

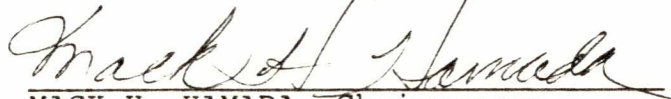
(1) The unfair labor practice complaint alleging violation of Subsection 377-6(1), HRS, is sustained.

(2) Respondent is directed to cease and desist from interfering with, restraining, or coercing employees in any like or related manner, in the exercise of rights guaranteed to them under Chapter 377, HRS.

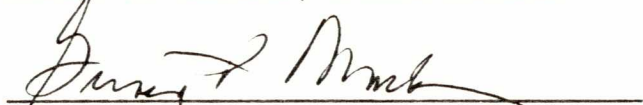
(3) Respondent shall immediately post copies of this decision on every bulletin board or designated space provided by the Employer for union material and leave said decision posted for a period of 60 consecutive days.

DATED: Honolulu, Hawaii, November 1, 1988.

HAWAII LABOR RELATIONS BOARD


MACK H. HAMADA, Chairperson


JAMES R. CARRAS, Board Member


GERALD K. MACHIDA, Board Member

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