

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. RM-03
)	
LEWIS W. POE,)	DECISION NO. 381
)	
Petitioner.)	DECISION AND ORDER
_____)	

DECISION AND ORDER

On July 29, 1996, Petitioner LEWIS W. POE filed a Petition for Adoption/Amendment of a Rule with the Hawaii Labor Relations Board (Board). POE proposed that the Board adopt a rule to require that the Board render a final decision and order in prohibited practice and declaratory ruling cases on or prior to the 75th calendar day after the close of the hearing on the merits or on dispositive motions or after the submission of a Petition for Declaratory Ruling or the completion of a hearing thereon, whichever event occurs last. POE contends that the Board should be accountable to promptly dispose of its cases and the present rules permit the Board to delay its determinations ad infinitum.

After considering the instant petition, the Board acknowledges the merits of Petitioner's proposal. However, each case is unique and varies in complexity; therefore, the amount of time taken to issue a decision in each case likewise varies. Moreover, at the present time, the Board recognizes that there already exists a backlog of decisions and orders to be rendered. In addition, at this time the Board lacks sufficient resources to hire adequate legal staff to assist the Board. Thus, it would not be prudent for the Board to adopt a rule which the Board would be

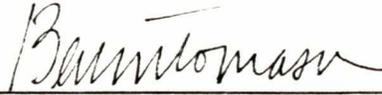
unable to comply with. Further, there is no provision in the statutes to set a specific time limitation within which the Board must render a decision and order. Finally, there is no provision in the Board's governing statutes which sets forth the disposition of the cases which do not conform to the given time frame, i.e., whether the Board would lose jurisdiction of the matter and whether any court review would be on the record taken before the Board or de novo.

ORDER

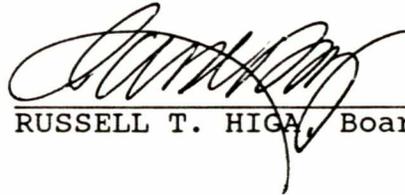
For the foregoing reasons, the Board hereby denies the subject petition.

DATED: Honolulu, Hawaii, August 29, 1996.

HAWAII LABOR RELATIONS BOARD



BERT M. TOMASU, Chairperson



RUSSELL T. HIGA, Board Member

Copies sent to:

Lewis W. Poe
William Puette, CLEAR
Publications Distribution Center
Richardson School of Law Library
University of Hawaii Library
Library of Congress
State Archives
Joyce Najita, IRC