

STATE OF HAWAII

PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of)
EDWARD A. ARRIGONI,) Case No. CU-05-10
Complainant,) CE-05-7
and)
BOARD OF EDUCATION,) Decision No. 45
STATE OF HAWAII,)
and)
HAWAII STATE TEACHERS)
ASSOCIATION,)
Respondents.)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

These prohibited practice charges filed on March 12, 1974, against the Hawaii State Teachers Association (hereafter HSTA) Case CU-05-10 and the Board of Education, State of Hawaii (hereafter BOE) Case CE-05-7 were brought before the Hawaii Public Employment Relations Board (hereafter Board) by Edward A. Arrigoni (hereafter Petitioner).

Pursuant to Chapter 89, Hawaii Revised Statutes (hereafter HRS), the Board held a hearing on April 11, 1974. The Board, having reviewed the entire record and exhibits, hereby makes the following findings of fact, conclusions of law and order.

FINDINGS OF FACT

1. The HSTA is an employee organization and the certified exclusive bargaining representative of Unit 5 (teachers and other personnel of the department of education under the same salary schedule).

2. The BOE is the public employer as defined by Section 89-2(9), HRS.

3. The Petitioner is a science teacher at Kaiser High School and a member of Unit 5.

4. The Petitioner's prohibited practice charge alleges five violations of Section 89-13, HRS:

- a) the assignment of student supervisory duties during school lunch period;
- b) the assignment of student supervisory duties during morning recess time;
- c) the assignment of student supervisory duties during after-school student functions, e.g., freshman banquet;
- d) the assignment of student supervisory duties during a fifteen-minute period following preparation period; and
- e) the assignment of sorting grade slips during faculty meeting.

5. The HSTA filed grievances against the BOE for the above alleged violations a, b, c, and d in September 1973.

6. The Petitioner personally filed grievances against the BOE for the above alleged violations a, c, and e in December 1973 and above alleged violation b in March 1974.

7. All of the grievances filed by both the Petitioner and HSTA are presently in various stages of the grievance procedure set forth in the HSTA/BOE contract Article V.

CONCLUSIONS OF LAW

The burden of proof is upon the Petitioner to establish the existence of a prohibited practice. The Board is of the opinion that the Petitioner has not met this burden.

A review of the transcript reveals that the primary concern of the Petitioner is the status and alleged undue delay surrounding the processing of the grievances. When questioned by the attorney for the HSTA as to the status of his grievances, the Petitioner replied "that's one reason I'm here." (Tr. 20).

The Petitioner's concern as to the time consumed by the grievance process is quite apparent in his examination of witnesses Amy E. Sugino, BOE staff specialist, and Joan L. Husted, HSTA director of field services and programs. He questioned the witnesses on what is a reasonable time in which a grievance is to be resolved. The Petitioner admitted that the question of a reasonable time was the essence of his charge. (Tr. 57).

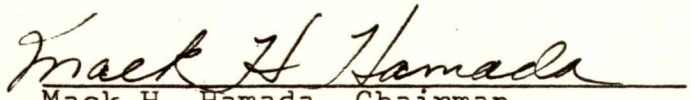
The Board finds that the Petitioner has not presented sufficient facts to establish a prohibited practice charge. Additionally, since the charges brought by the Petitioner will be ultimately resolved in the grievance process, this Board finds it unwise to intervene. Accordingly, the charges against the BOE and the HSTA should be dismissed.

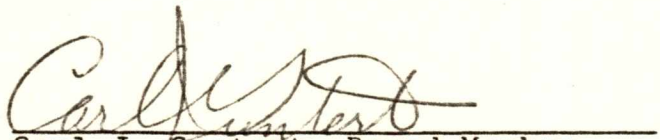
This Board, however, acknowledges and appreciates the sincere concern shown by the Petitioner and commends him for the time and effort he has expended in pursuit of this matter. The Board also commends the Petitioner, appearing pro se, for his refreshingly courteous demeanor exhibited at the hearing.

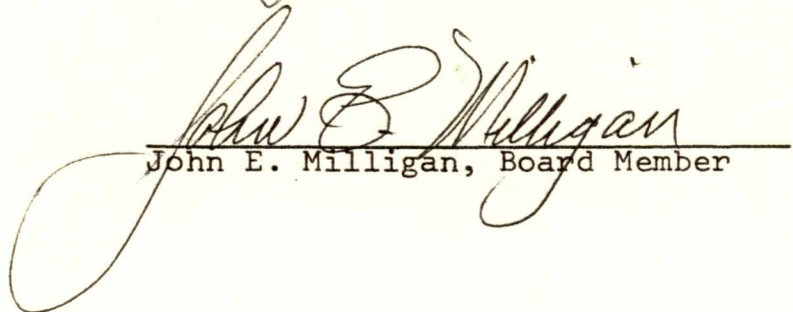
ORDER

For the reasons set forth above, the Board hereby dismisses the Petitioner's prohibited practice charges against the BOE, Case CE-05-7 and the HSTA, Case CU-05-10.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD


Mack H. Hamada, Chairman


Carl J. Guntert, Board Member


John E. Milligan, Board Member

Dated: May 15, 1974

Honolulu, Hawaii