

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NOS.:	CE-03-170a
)		CE-04-170b
HAWAII GOVERNMENT EMPLOYEES)		CE-13-170c
ASSOCIATION, AFSCME, LOCAL 152,)		
AFL-CIO,)	ORDER NO.	1087
)		
Complainant,)	ORDER DENYING COMPLAINANT'S	
)	MOTION FOR AN ORDER TO	
and)	SHOW CAUSE	
)		
DEPARTMENT OF EDUCATION,)		
State of Hawaii,)		
)		
Respondent.)		
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ORDER DENYING COMPLAINANT'S MOTION
FOR AN ORDER TO SHOW CAUSE

On October 29, 1992, the Hawaii Labor Relations Board (Board) issued Order No. 912, prohibiting the DEPARTMENT OF EDUCATION, State of Hawaii (DOE or Employer) from implementing its proposed seven-day public service schedule on November 1, 1992. Thereafter, on October 1, 1993, the HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO (HGEA or Union), filed a Motion for an Order to Show Cause Why [Employer] Should Not Be Found to Have Violated Order No. 912.

On March 1, 1994, the Union's motion came on for hearing before the Board. At the hearing, the parties presented oral arguments on the Union's motion.

Based upon a thorough review of the record, the Board majority hereby denies Complainant's motion. Complainant HGEA was at all times relevant the exclusive representative of employees in

bargaining units 03, 04 and 13, as specified in Section 89-2, Hawaii Revised Statutes (HRS).

Respondent DOE was at all times relevant the public employer of the employees of the Hawaii State Public Library System, which includes employees in bargaining units 03, 04, and 13.

On September 2, 1993, the Employer's representative met with Union representatives and informed them that they would implement the fall library schedule based upon its new staffing matrix. At the meeting, the Employer notified the Union that the schedule would be implemented on September 8, 1993. In some cases, a sixth day would be added to the work schedule of selected state libraries; thus, providing the public with library services Monday through Saturday. The Employer also informed the Union that it would not bargain over the proposed change in the work schedule.

The Union contends that the Employer violated Board Order No. 912 when it implemented the six-day work schedule. Based upon its reading of Order No. 912, the Board majority does not concur with the Union's contention.

Board Order No. 912, specifically states, "the Board hereby issues a stay of the Employer's seven (7) day public service schedule pending a final determination on the merits of this case." See Board Order No. 912, p. 6. Clearly, the issue being addressed in Order No. 912, is the Employer's implementation of a seven-day public service schedule for state libraries. In the instant case, however, the Union filed a motion seeking to enjoin the Employer from implementing its fall schedule. The Board majority finds that

the fall schedule is not precluded from implementation by Order No. 912. Accordingly, since no violation of the previous Board order has occurred, the Board majority hereby denies the Union's motion for an order to show cause.

DATED: Honolulu, Hawaii, August 5, 1994.

HAWAII LABOR RELATIONS BOARD


BERT M. TOMASU, Chairperson


RUSSELL T. HIGA, Board Member

DISSENTING OPINION

I respectfully dissent from the Board majority's decision to deny Complainant's motion for an order to show cause. In my view, Board Order No. 912 prohibits the Employer from implementing any changes to the days and hours of work of public library employees prior to a final determination on the merits of the case. Therefore, I would require the Employer to show cause why it should not be found in violation of Order No. 912 because of its unilateral implementation of the fall library schedule.


SANDRA H. EBESU, Board Member

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