

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. CE-01-204
	)	
UNITED PUBLIC WORKERS, AFSCME,	)	ORDER NO. 1101
LOCAL 646, AFL-CIO,	)	
	)	ORDER DENYING RESPONDENTS'
Complainant,	)	MOTION TO CONTINUE HEARING
	)	OF SEPTEMBER 6, 1994
and	)	
	)	
COUNTY OF HAWAII; STEPHEN K.	)	
YAMASHIRO; DONNA KIYOSAKI;	)	
WILLIAM G. DAVIS; and GEORGE	)	
YOSHIDA,	)	
	)	
Respondents.	)	

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ORDER DENYING RESPONDENTS' MOTION TO  
CONTINUE HEARING OF SEPTEMBER 6, 1994

On August 31, 1994, the Respondents, by and through their attorneys, filed a Motion to Continue Hearing of September 6, 1994. Respondents contend that the hearing in this case should be continued until an arbitration concerning a related matter is completed. Respondents allege that the scope of the arbitration has been expanded to encompass the hirings at issue in the instant prohibited practice complaint and that the Board should defer to the grievance process. In addition, Respondents argue that the Complainant should first exhaust its administrative remedies.


On September 1, 1994, Complainant, by and through its attorney, filed a Memorandum in Opposition to Respondents' Motion to Continue Hearing of September 6, 1994. Complainant argues that the motion should be denied because it relitigates an issue in prior Board Order No. 1090. In addition, Complainant argues that

the prohibited practice complaint encompasses issues which are properly within the Board's jurisdiction.


As stated previously, the Board finds that the instant complaint contains allegations of statutory violations which are properly within the jurisdiction of the Board in addition to the allegations of contractual violations. The Board held in Decision No. 48, Hawaii State Teachers Association, 1 HPERB 442 (1974), that the Board will retain jurisdiction of prohibited practice complaints where the complaint alleges prohibited practices other than breach of contract claims and which are not referable to arbitration. Thus, after consideration of the arguments presented, the Board hereby denies Respondents' motion to continue the hearing in this matter.

DATED: Honolulu, Hawaii, September 2, 1994.

HAWAII LABOR RELATIONS BOARD

  
BERT M. TOMASU, Chairperson

  
RUSSELL T. HIGA, Board Member

  
SANDRA H. EBESU, Board Member

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