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STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CU-01-115
)	
MICHAEL L. LAST,)	ORDER NO. 1293
)	
Complainant,)	ORDER
)	
and)	
)	
UNITED PUBLIC WORKERS, AFSCME,)	
LOCAL 646, AFL-CIO,)	
)	
Respondent.)	
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ORDER

After considering the arguments of the parties and the record in this case, the Board will dismiss the instant complaint. In order to assist the Board and expedite a ruling in this matter, the prevailing party, the UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW or Union), is directed to submit a proposed order, including proposed findings of fact and conclusions of law, reflecting the Board's ruling that:

1) the complaint fails to state a claim for relief because Section 89-4, Hawaii Revised Statutes (HRS), provides for the payroll deductions of amounts equivalent to regular dues from nonmembers and the refund of monies for activities of a political and ideological nature unrelated to the terms and conditions of employment;

2) the complaint fails to state a claim for relief because Section 89-4, HRS, does not provide for the return of any interest earned;


3) any allegations of prohibited practices committed ninety days prior to the filing of the complaint are time-barred; and

4) Complainant lacks standing to assert the rights of Union members because he is not a member of the Union.

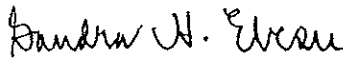
The UPW shall submit the proposed order within fifteen days of this order.

DATED: Honolulu, Hawaii, February 23, 1996.

HAWAII LABOR RELATIONS BOARD


BERT M. TOMASU, Chairperson


RUSSELL T. HIGH, Board Member


SANDRA H. EBESU, Board Member

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