

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CE-12-293
)	
STATE OF HAWAII ORGANIZATION)	ORDER NO. 1299
OF POLICE OFFICERS,)	
)	ORDER GRANTING CONTINUANCE OF
Complainant,)	HEARING ON PROHIBITED PRACTICE COMPLAINT; NOTICE OF
)	HEARING ON RESPONDENTS'
and)	MOTIONS TO DISMISS OR, IN
)	THE ALTERNATIVE, MOTIONS FOR
BENJAMIN CAYETANO, Governor)	SUMMARY JUDGMENT
State of Hawaii, et al.,)	
)	
Respondents.)	

ORDER GRANTING CONTINUANCE OF HEARING ON
PROHIBITED PRACTICE COMPLAINT; NOTICE OF
HEARING ON RESPONDENTS' MOTIONS TO DISMISS OR,
IN THE ALTERNATIVE, MOTIONS FOR SUMMARY JUDGMENT

At the prehearing conference held in this matter on February 22, 1996, MARYANNE W. KUSAKA, Mayor, County of Kauai (KUSAKA), by and through her attorney, requested a continuance of the hearing scheduled on March 1, 1996 because of a scheduling conflict. There were no objections to the request for continuance and the Board granted KUSAKA's request to continue the hearing as previously scheduled.

Thereafter, on March 1, 1996, Respondent JEREMY HARRIS, Mayor, City and County of Honolulu (HARRIS), by and through his attorney, filed a motion to dismiss the prohibited practice complaint and/or enter an order granting summary judgment with the Board. HARRIS contends that the complaint should be dismissed because the matter is time-barred. Assuming that the complaint is not time-barred, however, HARRIS contends that summary judgment


should be entered in his favor because the subject matter is non-negotiable and further, Complainant is estopped from raising the issue at this time because of an established past practice. Also on March 1, 1996, KUSAKA, by and through her counsel, filed a joinder in HARRIS' motion to dismiss and/or motion for summary judgment.

In addition, Respondent LINDA CROCKETT LINGLE, Mayor, County of Maui (LINGLE), by and through her counsel, also filed a motion to dismiss or in the alternative, motion for summary judgment with the Board. LINGLE also contends that the complaint is time-barred and should be dismissed. LINGLE contends that the Complainant failed to exhaust the contractual grievance procedure; that there is a past practice and the subject of psychological/psychiatric evaluations are a valid exercise of management's rights.

YOU ARE HEREBY NOTIFIED that pursuant to §§ 89-5, 89-14 and 377-9, Hawaii Revised Statutes, and Administrative Rules § 12-42-8(g)(3), the Board will conduct a hearing on the foregoing motions on March 15, 1996 at 9:00 a.m. in the Board's hearings room, Room 203, 550 Halekauwila Street, Honolulu, Hawaii.

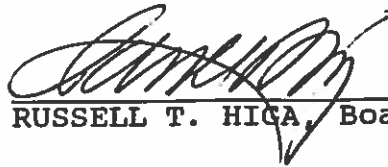
DATED: Honolulu, Hawaii, March 8, 1996.

HAWAII LABOR RELATIONS BOARD

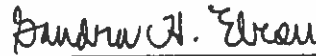


BERT M. TOMASU, Chairperson

STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS and BENJAMIN J.
CAYETANO, Governor, State of Hawaii, et al.; CASE NO. CE-12-293
ORDER NO. 1299
ORDER GRANTING CONTINUANCE OF HEARING ON PROHIBITED PRACTICE
COMPLAINT; NOTICE OF HEARING ON RESPONDENTS' MOTIONS TO DISMISS
OR, IN THE ALTERNATIVE, MOTIONS FOR SUMMARY JUDGMENT



RUSSELL T. HIGA, Board Member



SANDRA H. EBESU, Board Member

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