

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CE-03-284
)	
LEWIS W. POE,)	ORDER NO. 1331
)	
Complainant,)	ORDER DENYING COMPLAINANT'S
)	MOTION FOR PERMISSION TO
and)	FILE A POST-HEARING AFFIDAVIT
)	
KAZU HAYASHIDA, Director,)	
Department of Transportation,)	
State of Hawaii,)	
)	
Respondent.)	
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ORDER DENYING COMPLAINANT'S MOTION FOR
PERMISSION TO FILE A POST-HEARING AFFIDAVIT

On May 2, 1996, Complainant LEWIS W. POE (POE) filed a motion with the Hawaii Labor Relations Board (Board) requesting permission to file a post-hearing affidavit which would provide the definition of "grievant" from a Duval County, Florida, collective bargaining agreement. POE contends that an issue in the instant case is whether two or more employees have a right to file a class grievance without the intervention of the union.

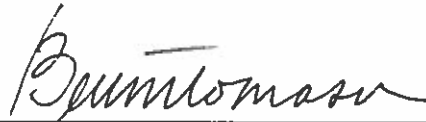
On May 7, 1996, Respondent KAZU HAYASHIDA, Director, Department of Transportation, State of Hawaii, by and through his counsel, filed a memorandum in opposition to POE's motion. Respondent contends that POE's motion is untimely and that the matters which POE wishes the Board to consider are irrelevant to the issues in this case. HAYASHIDA contends that the issue before the Board in the instant case is whether Respondent wilfully violated the applicable collective bargaining agreement by not

responding to a Step 2 grievance within the prescribed time, not whether two or more employees collectively have a right to file a grievance.

After reviewing the record in this case and Complainant's motion, the Board finds that POE raised the issue as to the rights of employees to file a class grievance in his prehearing statement. Nevertheless, the Board finds that the proffered material, the grievance procedure language contained in a collective bargaining agreement from Florida, is irrelevant to the issues before this Board. The Board therefore denies POE's motion.

DATED: Honolulu, Hawaii, May 14, 1996.

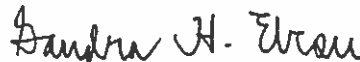
HAWAII LABOR RELATIONS BOARD



BERT M. TOMASU, Chairperson



RUSSELL T. HIGA, Board Member



SANDRA H. EBESU, Board Member

Copies sent to:

Lewis W. Poe
James E. Halvorson, Deputy Attorney General
Joyce Najita, IRC