

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CE-01-349
)	
UNITED PUBLIC WORKERS, AFSCME,)	ORDER NO. 1461
LOCAL 646, AFL-CIO,)	
)	ORDER GRANTING COMPLAINANT'S
Complainant,)	MOTION TO EXPEDITE HEARING
)	ON THE MERITS AND MOTION FOR
and)	INTERLOCUTORY RELIEF; NOTICE
)	OF HEARING
MARYANNE KUSAKA, Mayor, County)	
of Kauai,)	
)	
Respondent.)	

ORDER GRANTING COMPLAINANT'S MOTION TO EXPEDITE HEARING ON
THE MERITS AND MOTION FOR INTERLOCUTORY RELIEF; NOTICE OF HEARING

On May 8, 1997, Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) filed a prohibited practice complaint against MARYANNE KUSAKA, Mayor, County of Kauai with the Hawaii Labor Relations Board (Board). The UPW contends, inter alia, that since 1993, the UPW and the County of Kauai have been engaged in a labor dispute over the contracting out of the landfill operations at Kekaha, Kauai. On February 28, 1997, the Supreme Court of the State of Hawaii ruled that the contracting out of landfill operations which have been customarily performed by civil service workers violates the merit principles in Konno v. County of Hawaii, 84 Haw. ___ (1997). Following the decision, the UPW requested Respondent to cease and desist from continuing to privatize the operations at the Kekaha landfill. On or about May 6, 1997, Respondent announced that on or after May 15, 1997, the County of Kauai will not send refuse crews to pick up household

refuse, will close the Kekaha landfill and cease refuse collection and transport operations. On May 8, 1997, the UPW requested bargaining over the changes in terms and conditions of employment and requested Respondent to cease and desist from her course of conduct. Complainant contends that Respondent has committed prohibited practices in violation of §§ 89-13(a)(1), (3), (5), and (7), Hawaii Revised Statutes (HRS).

Also on May 8, 1997, the UPW filed a Motion for Interlocutory Relief and a Motion to Expedite Hearing on the Merits and Motion for Interlocutory Relief with the Board. In its Motion for Interlocutory Relief, the Complainant moved that this Board enjoin Respondent from (1) unilaterally implementing Respondent's decision to cease sending out refuse collection crews from households on Kauai and to shut down refuse collection and transport services in Kauai County on or after May 15, 1997, (2) threatening to shut down refuse collection and transport services performed by bargaining unit 1 employees, and (3) refusing to negotiate over the decision to shut down refuse collection and disposal work performed by bargaining unit 01 employees on and after May 15, 1997, pending a final decision on the merits of the case.

In Complainant's motion to expedite the hearing in this matter, Complainant further requested that the hearing be conducted on Kauai on or before May 15, 1997 in order to afford movant a reasonable opportunity for meaningful relief. The affidavit of UPW's counsel attached to the motion states that counsel contacted Kauai County Attorney Hartwell H.K. Blake to determine when counsel

would be available for hearings on the motion for injunctive relief and the merits. UPW's counsel states that he was informed that counsel would be available on May 14, 1997.

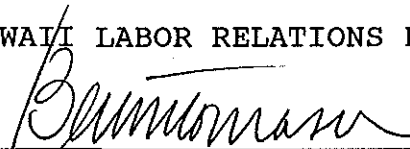
Thereafter, on May 9, 1997, the Board was informed by a representative from the County Attorney's Office that counsel for Respondent would be available for a hearing held in Honolulu, Hawaii, on May 14, 1997.

Based upon the foregoing, the Board hereby grants the Complainant's motion to expedite the hearing in this matter.

YOU ARE HEREBY NOTIFIED that the Board will conduct a hearing on Complainant's Motion for Interlocutory Relief and on the merits of the instant complaint insofar as are necessary to resolve Complainant's motion pursuant to §§ 89-5 and 89-14, HRS, and Administrative Rules § 12-42-8(g) on May 14, 1997 at 9:00 a.m. in the Board's hearings room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.

DATED: Honolulu, Hawaii, May 9, 1997.

HAWAII LABOR RELATIONS BOARD


BERT M. TOMASU, Chairperson


RUSSELL T. HIGA, Board Member


CHESTER C. KUNITAKE, Board Member

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