

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. I-01-72
	)	
LINDA CROCKETT LINGLE, Mayor,	)	ORDER NO. 1524
County of Maui,	)	
	)	ORDER DISMISSING IMPASSE
Public	)	CASE
Employer,	)	
	)	
and	)	
	)	
UNITED PUBLIC WORKERS, AFSCME,	)	
LOCAL 646, AFL-CIO,	)	
	)	
Exclusive	)	
Representative.	)	
	)	

ORDER DISMISSING IMPASSE CASE

On January 27, 1997, LINDA CROCKETT LINGLE, Mayor, County of Maui (LINGLE), by and through her counsel, filed a notice of impasse and request for assistance with the Hawaii Labor Relations Board (Board). LINGLE submits that on May 17, 1996, in Order No. 1333, Order Granting Complainant UPW's Motion for Interlocutory Relief, in Case Nos. CU-01-121 and CE-01-297, the Board ordered the County of Maui to bargain in good faith with the UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW or Union) over the privatization of solid waste pickup in the County of Maui. Thereafter, on August 30, 1996, the Board issued Decision No. 382 in those cases, where the Board found, inter alia, that LINGLE had committed a prohibited practice by unilaterally privatizing the solid waste pickup in the County and ordered her to negotiate over the subject with the Union. In this petition, LINGLE contends that


she has reached an impasse in negotiations with the UPW over the privatization issue and requests the Board's assistance.


On September 20, 1996, LINGLE appealed Decision No. 382 to the Second Circuit Court in Civil No. 96-0766(1) and on July 14, 1997, the parties to the appeal stipulated to dismiss the appeal without prejudice and to remand the case to the Board for further proceedings in light of the Hawaii Supreme Court's ruling in Konno v. County of Hawaii, 85 Haw. 61, 937 P.2d 397 (1997).

Upon considering the record and the effect of the Hawaii Supreme Court's ruling in Konno, supra, on this matter, the Board finds that the issues presented in the instant petition are no longer justiciable. Accordingly, the Board hereby dismisses the instant petition.

DATED: Honolulu, Hawaii, September 18, 1997.

HAWAII LABOR RELATIONS BOARD

  
BERT M. TOMASU, Chairperson

  
RUSSELL T. HIGA, Board Member

Copies sent to:

Nelson B. Befitel, Deputy Corporation Counsel  
Herbert R. Takahashi, Esq.  
Joyce Najita, IRC