

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of )  
 )  
UNITED PUBLIC WORKERS, AFSCME, )  
LOCAL 646, AFL-CIO, )

Complainant, )

and )

STEPHEN YAMASHIRO, Mayor, )  
County of Hawaii, et al., )

Respondents. )  
\_\_\_\_\_ )

In the Matter of )

UNITED PUBLIC WORKERS, AFSCME, )  
LOCAL 646, AFL-CIO, )

Complainant, )

and )

BENJAMIN J. CAYETANO, Governor, )  
State of Hawaii, et al., )

Respondents. )  
\_\_\_\_\_ )

In the Matter of )

UNITED PUBLIC WORKERS, AFSCME, )  
LOCAL 646, AFL-CIO, )

Complainant, )

and )

BENJAMIN J. CAYETANO, Governor, )  
State of Hawaii, et al., )

Respondents. )  
\_\_\_\_\_ )

CASE NO. CE-01-260

ORDER NO. 1548

ORDER MODIFYING BOARD ORDER  
NO. 1277

CASE NO. CE-10-273

CASE NO. CE-01-274

ORDER MODIFYING BOARD ORDER NO. 1277


On October 14, 1997, at the hearing scheduled on Respondents' motion to dissolve, vacate or modify the order for interlocutory relief, the parties agreed to resolve the instant complaints on the following terms. The parties agreed that by November 15, 1997, the Respondents will provide Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) with written verification that there has been compliance with the Board's interlocutory order of January 12, 1996 from the period covering January 1, 1995 through September 30, 1997. The verification shall include a list of all employees in bargaining units 01 and 10 who have been tested pursuant to the Department of Transportation rules and regulations under the Omnibus Act. With respect to those employees who have tested positive, the Respondents will provide written verification as to whether such employees were disciplined in any manner, and if so, the nature of the disciplinary penalties imposed. The Respondents shall further provide written verification of whether there was a loss of compensation or benefits for employees who tested positive. Where the employee has either been disciplined or sustained a loss of compensation, in wages or benefits, the Respondents will make those employees whole by November 15, 1997. Upon verification of compliance, the UPW will withdraw a pending appeal in the First Circuit Court in Civil No. 97-1721-04 in a related matter. The parties further agreed that the Board may dismiss the pending prohibited practice cases pursuant to and upon compliance with the terms of the foregoing agreement. The parties further agreed that the Board would retain jurisdiction over the compliance with the terms of the agreement

and to issue appropriate orders for remedies for noncompliance. The parties also agreed that the Board's interlocutory order issued in this case will be modified to end on September 30, 1997.

In accordance with the foregoing agreement of the parties, the Board hereby modifies its Order No. 1277, Order Granting Complainant's Motion for Interlocutory Relief, to be effective until September 30, 1997.

DATED: Honolulu, Hawaii, November 3, 1997.

HAWAII LABOR RELATIONS BOARD

  
BERT M. TOMASU, Chairperson

  
RUSSELL T. HIGA, Board Member

  
CHESTER C. KUNITAKE, Board Member

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