

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CE-01-232
)	
UNITED PUBLIC WORKERS, AFSCME,)	ORDER NO. 1563
LOCAL 646, AFL-CIO,)	
)	ORDER DENYING COMPLAIN-
Complainant,)	ANT'S RENEWED MOTION
)	SEEKING PETITION FOR
and)	COURT ENFORCEMENT OF BOARD
)	DECISION AND ORDER
STEPHEN YAMASHIRO, Mayor, County)	
of Hawaii,)	
)	
Respondent.)	

ORDER DENYING COMPLAINANT'S RENEWED MOTION SEEKING
PETITION FOR COURT ENFORCEMENT OF BOARD DECISION AND ORDER

On October 8, 1997, the UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW), by and through its counsel, filed a renewed motion with the Hawaii Labor Relations Board (Board) seeking enforcement of Order No. 1244 rendered in this case on October 30, 1995. Complainant's counsel states in an affidavit that he wrote to Respondent requesting compliance with the Board's remedial order but that he has not received a response to the request for compliance.

On October 17, 1997, Respondent STEPHEN YAMASHIRO, Mayor, County of Hawaii, by and through his counsel, filed with the Board a memorandum in opposition to Complainant's renewed motion seeking a petition for Court enforcement of the Board's decision and order. Respondent contends, inter alia, that the Board lacks jurisdiction over this matter since the Third Circuit Court stayed the enforcement of the instant Board order in Civil No. 95-576, along

with other similar Board orders which were challenged on appeal by Respondent. Alternatively, Respondent contends that if the Board grants the instant motion, the Board should permit UPW's counsel to file the appropriate motion and "allow him to do his own work."

After reviewing the entire record of this case, the Board denies UPW's motion to seek enforcement of the Board's order. The Board is well aware of the procedural history of the instant case on appeal and that the Third Circuit Court affirmed the Board's orders but stayed enforcement of the orders in the consolidated appeals pending Respondent's appeal to the Hawaii Supreme Court. However, the Board finds Respondent's alternative argument that the UPW should file its own petition for enforcement of the Board's orders in the courts to be without merit. The UPW properly filed the instant motion with the Board pursuant to Administrative Rules § 12-42-51 which is based upon § 377-9(e), Hawaii Revised Statutes, and permits the Board to seek enforcement of its orders in the circuit courts.

DATED: Honolulu, Hawaii, December 2, 1997.

HAWAII LABOR RELATIONS BOARD


BERT M. TOMASU, Chairperson


RUSSELL T. HIGA, Board Member


CHESTER C. KUNITAKE, Board Member

UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO and STEPHEN
YAMASHIRO, Mayor, County of Hawaii; CASE NO. CE-01-232
ORDER NO. 1563
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COURT ENFORCEMENT OF BOARD DECISION AND ORDER

Copies sent to:

Herbert R. Takahashi, Esq.
Ted H.S. Hong, Assistant Corporation Counsel
Joyce Najita, IRC