

STATE OF HAWAII  
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of	)	Case No. <u>SF-05-42</u>
HAWAII STATE TEACHERS	)	
ASSOCIATION,	)	Order No. <u>167</u>
	)	
Petitioner.	)	
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ORDER DIRECTING SUBMISSION OF LEGAL MEMORANDA AS TO  
WHETHER THE HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD  
HAS JURISDICTION TO ENTERTAIN THE PETITION OF CERTAIN  
EMPLOYEES TO REVIEW REASONABLENESS OF SERVICE FEE

On January 13, 1978, thirteen employees in Unit 5, jointly filed with this Board a Petition to Review Reasonableness of Service Fee.

By said petition, they seek a review of Board Decision 69 which was rendered in Case No. SF-05-42 on July 21, 1976.

Said decision contains the following language:

"The Board may, upon its own motion or the petition of the HSTA or any affected employee, review the reasonableness of the subject service fee whenever it deems such a review would be appropriate."

Language to similar effect has appeared in all of the Board's service fee decisions.

However, certain questions have arisen as to whether the Board may, in fact, on its own motion or the motion of anyone, legally review a final decision in a service fee case.

Accordingly, the Board directs the petitioning employees to submit a memorandum of law as to whether the Board, on their petition, has jurisdiction to review Decision 69 at this time.

The memorandum should demonstrate what statutory basis, if any, grants the Board jurisdiction and authority to entertain the petition for review.

Consideration should be given to the effect, if any, of the case of Yamada v. Natural Disaster Claims Commission, 56 Haw. 621, 516 P2d 336 (1973), and the authorities relied upon therein.

Consideration also should also be given to what legal effect, if any, results from the fact that none of the petitioning employees were parties to Case No. SF-05-42.

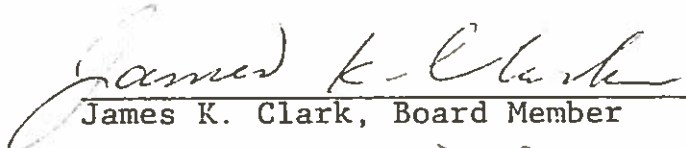
The memoranda should be filed with the Board no later than 4:30 p.m., Friday, February 17, 1978, together with certification of service upon counsel for the HSTA.

The HSTA may file an answering brief no later than 4:30 p.m., Friday, March 10, 1978 with certification of service upon counsel for the petitioning employees.

A reply memorandum may be filed by the petitioning employees no later than 4:30 p.m., Monday, March 20, 1978.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

  
Mack H. Hamada, Chairman

  
James K. Clark, Board Member

  
John E. Milligan, Board Member

Dated: January 26, 1978

Honolulu, Hawaii