

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CE-10-306
)	
UNITED PUBLIC WORKERS, AFSCME,)	ORDER NO. 1766
LOCAL 646, AFL-CIO,)	
)	ORDER
Complainant,)	
)	
and)	
)	
BENJAMIN J. CAYETANO, Governor,)	
State of Hawaii and JAMES)	
TAKUSHI, Director, Department of)	
Human Resources Development,)	
State of Hawaii,)	
)	
Respondents.)	

ORDER

In order to assist the Hawaii Labor Relations Board (Board) in issuing a ruling in this matter the UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO is directed to submit a proposed order, including proposed findings of fact and conclusions of law, reflecting the Board's ruling in this case that:

1) The Board has jurisdiction over this complaint pursuant to §§ 89-5 and 89-14, Hawaii Revised Statutes (HRS).

2) Based upon the record, the Board finds that the implementation of the PAS system does not change working conditions and is therefore not subject to negotiations, except that system permits adverse personnel actions to be taken against employees, such as termination, and be considered nondisciplinary. In addition, the Board finds the maintenance of supervisory discussion notes outside of the employee's personnel file and for a period exceeding two years violates § 17.2 of the applicable contracts.


The Board finds that the Respondents refused to negotiate over these changes and therefore violated § 89-13(a)(5), HRS.

3) Respondents are ordered, inter alia, to cease and desist from refusing to negotiate over the foregoing aspects of the PAS system.

The UPW shall have 30 days, unless such time is extended by the Board, to draft the order and secure the approval as to form of opposing counsel thereon and to file the original and five copies of the order, accompanied by a diskette with a copy of the order, with the Board. If the form of the proposed findings of fact and conclusions of law has not been approved, a party served with the proposed order may file objections and a copy of his proposed order, accompanied by a diskette with a copy of the order, with the Board within seven working days.

DATED: Honolulu, Hawaii, September 10, 1999.

HAWAII LABOR RELATIONS BOARD


BERT M. TOMASU, Chairperson


RUSSELL T. HIGA, Board Member


CHESTER C. KUNITAKE, Board Member

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