

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CE-10-267
)	
UNITED PUBLIC WORKERS, AFSCME,)	ORDER NO. 1772
LOCAL 646, AFL-CIO,)	
)	ORDER
Complainant,)	
)	
and)	
)	
BENJAMIN J. CAYETANO, Governor,)	
State of Hawaii and DR. LAWRENCE)	
MIIKE, Director, Department of)	
Health, 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 (UPW) 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) The Board finds that prior to the effective date of Act 230, Respondents violated §§ 89-13(a)(1), (5), (7), and (8), HRS, by refusing to bargain with the Union over the contracting out of the PMA III positions assigned to the pharmacy at the Hawaii State Hospital. The Board agrees with Complainant that the federal court did not mandate the privatization of the specific positions.

3) Respondents violated § 89-13(a)(5), HRS, by refusing to provide information to the Union pursuant to its request.

4) In view of the expiration of the 1995 contract, the Board will issue a cease and desist order, an order making whole any losses suffered by the employees, and other appropriate relief, including the posting of notices.

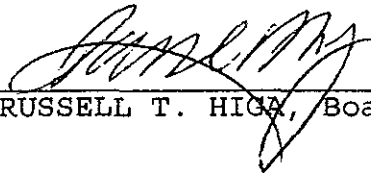
The UPW shall have 25 days, unless such time is extended by the Board, to draft the order and secure the approval as to form of opposing counsel thereon and to file the original and five copies of the order, accompanied by a diskette with a copy of the order, with the Board. If the form of the proposed 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 16, 1999 .

HAWAII LABOR RELATIONS BOARD



BERT M. TOMASU, Chairperson



RUSSELL T. HIGA, Board Member

Copies sent to:

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