

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

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-01-301

ORDER NO. 1773

ORDER

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-10-302

ORDER

In order to assist the Hawaii Labor Relations Board (Board) in issuing a ruling in this matter Respondents are 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 the UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW or Union) failed to prove that

Respondents committed a prohibited practice by refusing to comply with the Union's requests for information. The Board finds that the UPW's requests for SF-5 forms for employees identified on a list previously provided to the UPW and all letters of disciplinary actions taken from January 1, 1995 to the present against employees of each department were overly broad in scope with respect to the grievances at issue. Respondents agreed to provide the Union with access to the information pursuant to § 15.09 of the contract. The Board finds that the issue of whether a request for information necessary to investigate or process a grievance on a disciplinary action alleging disparate treatment is relevant is a matter for an arbitrator to decide on a case-by-case basis, with emphasis on the facts and type of disciplinary action at issue. The Board further finds, however, that § 89-16.5, HRS, does not require the Union to obtain the permission of the individual employees to authorize the release of information.

3) The prohibited practice complaint is dismissed.

Respondents 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.

UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO and BENJAMIN J. CAYETANO, Governor, State of Hawaii; et al. and UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO and BENJAMIN J. CAYETANO, Governor, State of Hawaii; et al.
CASE NOS.: CE-01-301, CE-10-302
ORDER NO. 1773
ORDER

DATED: Honolulu, Hawaii, September 16, 1999.

HAWAII LABOR RELATIONS BOARD


BERT M. TOMASU, Chairperson


RUSSELL T. HIGA, Board Member


CHESTER C. KUNITAKE, Board Member

Copies sent to:

Herbert R. Takahashi, Esq.
James E. Halvorson, Deputy Attorney General
Joyce Najita, IRC