

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. CE-10-366
	)	
UNITED PUBLIC WORKERS, AFSCME,	)	ORDER NO. 1774
LOCAL 646, AFL-CIO,	)	
	)	ORDER
Complainant,	)	
	)	
and	)	
	)	
BENJAMIN J. CAYETANO, Governor,	)	
State of Hawaii and KATHLEEN	)	
SATO, Deputy Attorney General,	)	
Department of the Attorney	)	
General, 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 or Union) 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:

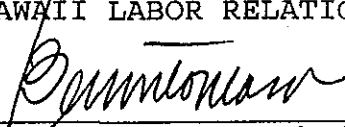
- 1) The Board has jurisdiction over this complaint pursuant to §§ 89-5 and 89-14, Hawaii Revised Statutes (HRS).
- 2) The Board grants the Respondents' motion to dismiss KATHLEEN SATO as a Respondent because she is not an employer within the meaning of § 89-2, Hawaii Revised Statutes (HRS).
- 3) The Board finds that the employer committed a prohibited practice in violation of §§ 89-13(a)(1) and (8), HRS, by

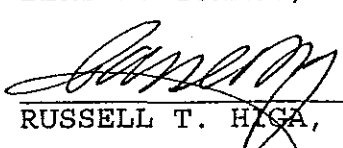
refusing to arbitrate the grievance in accordance with the contractual time limits. Based upon the record in this case, in response to a letter from Complainant's counsel requesting selection of an arbitrator, Respondent's counsel replied by letter indicating that she believed the matter was nonarbitrable. Subsequently, Complainant's counsel requested that she reconsider her position contending that it violated applicable contractual time limits. Respondent's counsel ignored Complainant's counsel and failed to proceed with selection of an arbitrator.

The UPW has 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

  
CHESTER C. KUNITAKE, Board Member

Copies sent to:

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