

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CU-03-158
SANDRA PELOSI,)	ORDER NO. 1841
Complainant,)	ORDER
and)	
HAWAII GOVERNMENT EMPLOYEES)	
ASSOCIATION, AFSCME, LOCAL 152,)	
AFL-CIO,)	
Respondent.)	

ORDER

In order to assist the Hawaii Labor Relations Board (Board) in issuing a ruling in this matter, Respondent is directed to submit a proposed order, including proposed findings of fact and conclusions of law, reflecting a Board 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 based on the record that Complainant failed to prove that Respondent filed Complainant's claims in the wrong forum or otherwise breached its duty of fair representation as to her claims for unlawful termination in violation of § 89-13(b), HRS. The record indicates that Respondent's representatives advised Complainant to pursue her workers compensation claims. In addition, the Board concludes that claims arising under the workers compensation statutes are beyond the scope of Chapter 89, HRS, and the duty of fair representation does not extend to representation for Complainant's workers compensation

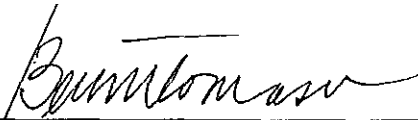
claims. Thus, Respondent is not required to represent Complainant in pursuing her workers compensation claims.

3) Accordingly, the Board will dismiss the instant complaint.

Respondent has 20 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 have 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, March 10, 2000.

HAWAII LABOR RELATIONS BOARD


BERT M. TOMASU, Chairperson


RUSSELL T. HIGA, Board Member

Copies sent to:

Sandra Pelosi
Peter Liholiho Trask, Esq.
Joyce Najita, IRC