In the Matter of
LEWIS W. POE,
Petitioner.

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

CASE NO. DR-03-74
ORDER NO. 1911

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER DENYING PETITION FOR DECLARATORY RULING

1. On January 15, 1999, LEWIS W. POE (POE) petitioned the Hawaii Labor Relations Board (Board) for a declaratory ruling pursuant to Hawaii Administrative Rules (HAR) § 12-42-9, and subsequent to a petition for declaratory ruling in Case No. DR-03-67. In that case, POE questioned the validity of a Memorandum of Agreement (MOA) dated February 14, 1997 amending the 1993-1997 Unit 03 Collective Bargaining Agreement by including a new Article 55 on Alternative Work Schedules. Poe contended that the MOA was subject to ratification under Hawaii Revised Statutes (HRS) § 89-10(a).

2. Like the MOA at issue in Case No. DR-03-67, in this case POE contends that a subsequent MOA executed on June 26, 1997 between the state and county public employers and his exclusive bargaining representative, the Hawaii Government Employees Association, AFSCME, Local 152 AFL-CIO (HGEA), indefinitely extending the 1993-1997 Unit 03 Collective Bargaining Agreement from July 1, 1997 "to permit the continuance of good faith negotiations for a successor collective bargaining agreement" is
not legally valid because it is subject to ratification as required by HRS § 89-10(a).

3. On August 30, 2000, the Board issued Order No. 1910 denying as moot POE's petition in Case No. DR-03-67.

4. In light of the Board's Order in Case No. DR-03-67, the Board concludes that pursuant to HAR § 12-42-9(f), there is good cause for refusing to issue a declaratory order in this case.

5. The Board hereby orders the petition in the above-captioned matter, be denied.

DATED: Honolulu, Hawaii, August 31, 2000

HAWAII LABOR RELATIONS BOARD

[Signatures]

KATHLEEN RACUYA-MARKRICH, Board Member

Copies sent to:

Lewis W. Poe
Joyce Najita, IRC