

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. DR-03-74
LEWIS W. POE,	)	ORDER NO. 1911
	)	FINDINGS OF FACT, CONCLU-
Petitioner.	)	SIONS OF LAW AND ORDER
	)	DENYING PETITION FOR
	)	DECLARATORY RULING
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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

  
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BRIAN K. NAKAMURA, Chairperson

  
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CHESTER C. KUNITAKE, Board Member

  
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KATHLEEN RACUYA-MARKRICH, Board Member

Copies sent to:

Lewis W. Poe  
Joyce Najita, IRC