

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. DR-03-71
)	
LEWIS W. POE,)	ORDER NO. 1912
)	
Petitioner.)	FINDINGS OF FACT, CONCLU-
)	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 December 14, 1998, LEWIS W. POE (POE) petitioned the Hawaii Labor Relations Board (Board) for a declaratory ruling pursuant to Hawaii Administrative Rules (HAR) § 12-42-9, stemming from an earlier petition for declaratory ruling in Case No. DR-03-67 filed on August 28, 1997.

2. To support this petition, POE contends that a new Article 55 on Alternative Work Schedules contained in a Memorandum of Agreement, dated February 14, 1997, amending the 1993-1997 Unit 03 Collective Bargaining Agreement is invalid.

3. POE questions the applicability of Hawaii Revised Statutes (HRS) §§ 89-8(a) and 89-1 and contends that his exclusive representative, the Hawaii Government Employees Association, AFSCME, Local 152 AFL-CIO (HGEA), "usurped the employee's interests" by failing to ratify Article 55.

4. As of June 30, 2000, the Board had taken no action on petitions for intervention both filed on January 5, 1999 by HGEA and Governor Benjamin J. Cayetano, as the State of Hawaii Public Employer and on HGEA's Motion to Dismiss filed on January 21, 1999.


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

6. 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.

Now, therefore, for the reasons stated herein, the Board hereby orders the petition in the above-captioned matter, be denied.

DATED: Honolulu, Hawaii, August 31, 2000.

HAWAII LABOR RELATIONS BOARD



BRIAN K. NAKAMURA, Chairperson



CHESTER C. KUNITAKE, Board Member



KATHLEEN RACUYA-MARKRICH, Board Member

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