

manner the UPW failed to do what was legally required and what relationship the documents attached to the complaints had to Complainants' allegations.

On August 2, 2000, the Board issued Order No. 1906 consolidating the cases for disposition and setting a hearing on UPW's motions for particularization.

On August 11, 2000, the Board held a hearing on UPW's motions for particularization. After hearing arguments, the Board granted the motions for particularization and ordered Complainants to file a clear statement of the complaint against the union including what provisions of HRS § 89-13 were violated; what actions violated HRS § 89-13, and the remedy requested.

On August 21, 2000, Complainants filed their particularization with the Board.

On August 22, 2000, UPW filed UPW's Motion To Dismiss Complaints with the Board. The UPW contends that a) the Complainants have not complied with the Board order, b) the Board lacks jurisdiction over a work opportunity dispute which arose in 1999, and c) Complainants failed to state a claim for relief under HRS Chapter 89.

FINDINGS OF FACT

1. Complainants JOHN S. LEE and JAMES LEE (LEES) are public employees included in bargaining Unit 01, blue collar non-supervisory employees, within the meaning of HRS § 89-2.

2. The UPW is the exclusive representative of bargaining unit 01 within the meaning of HRS § 89-2.

3. The incidents that give rise to the issue before the Board occurred in August 1999. The most recent incidents which the Complainants raise occurred in November 1999 and February 2000.

4. The alleged violations occurred outside of the 90-day statute of limitations set forth in HRS § 377-9(1) and Hawaii Administrative Rules § 12-42-42.

CONCLUSION OF LAW

Where the alleged violations occur outside of the time limits for filing charges with the Board, the Board does not have jurisdiction over the subject complaint.

ORDER

The complaints are hereby dismissed.

JOHN S. LEE and UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO
CASE NO. CU-01-169
JAMES LEE and UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO
CASE NO. CU-01-170
ORDER NO. 1920
ORDER GRANTING RESPONDENT'S MOTION TO DISMISS COMPLAINTS

DATED: Honolulu, Hawaii, September 7, 2000.


HAWAII LABOR RELATIONS BOARD



BRIAN K. NAKAMURA, Chairperson



CHESTER C. KUNITAKE, Board Member



KATHLEEN RACUYA-MARKRICH, Board Member

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