

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NOS.: CE-01-362a
)	CE-10-362b
UNITED PUBLIC WORKERS, AFSCME,)	
LOCAL 646, AFL-CIO,)	ORDER NO. 1922
)	
Complainant,)	ORDER DENYING, WITHOUT PRE-
)	JUDICE, UPW'S MOTION TO
and)	ENFORCE BOARD ORDER AND FOR
)	ASSESSMENT OF FEES AND COSTS
BOARD OF REGENTS, University of Hawaii,)	
State of Hawaii and CAROL M. EASTMAN,)	
Senior Vice President and Executive Vice)	
Chancellor, University of Hawaii, State of)	
Hawaii,)	
)	
Respondents.)	

ORDER DENYING, WITHOUT PREJUDICE, UPW'S MOTION
TO ENFORCE BOARD ORDER AND FOR ASSESSMENT OF FEES AND COSTS

On August 15, 2000, the UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) filed with the Hawaii Labor Relations Board (Board), UPW's motion to enforce Board order and for assessment of fees and costs.

On August 22, 2000, Evelyn Nowaki (Nowaki) on behalf of Respondents BOARD OF REGENTS, University of Hawaii, State of Hawaii, and CAROL M. EASTMAN, Senior Vice President and Executive Vice Chancellor, University of Hawaii, State of Hawaii (collectively Employer), filed a response to the UPW's motion.

On September 5, 2000, the Board held a hearing on the instant motion. All parties were afforded an opportunity to submit evidence and argument to the Board.

After full consideration of the evidence and arguments on the motion, the Board makes the following Findings of Fact and Order.

FINDINGS OF FACT

1. The UPW is the exclusive representative, as defined in Hawaii Revised Statutes (HRS) § 89-2, of employees included in bargaining unit 01. The UPW has represented Unit 01 employees of the Employer since on or about 1972. There are more than 300 employees on the campus in Unit 01.

2. The BOARD OF REGENTS and CAROL M. EASTMAN are the representatives of the public employer as defined in HRS § 89-2, of employees of the University of Hawaii and community college system included in bargaining unit 01.

3. On June 26, 2000 the Board issued Order No. 1888, Order Granting Complainant's Cross-Motion for Summary Judgment. The order states:

The Board hereby orders the Respondents to cease and desist from refusing to negotiate with the UPW over the disciplinary procedures of the Policy. Further, Respondents shall immediately post copies of this decision in conspicuous places at its worksites where employees of the bargaining unit assemble, and leave such copies posted for a period of 60 consecutive days from the initial date of posting. Respondents shall notify the Board of the steps taken by the Employer to comply herewith within 30 days of the receipt of this order.

4. By letter dated July 25, 2000, Alfred C. Lardizabal, Spokesperson and Deputy Chief Negotiator, notified the Board's Chairperson that on behalf of the University of Hawaii (UH), he was reporting that the UH has posted Board Order No. 1888 and will be pursuing negotiations with the UPW in accordance with the order. Also attached to the letter was a copy of a letter dated July 25, 2000 from Chief Negotiator Davis K. Yogi to Gary Rodrigues regarding the commencement of negotiations.

5. The Board finds that its order to cease and desist from refusing to negotiate the disciplinary procedures of the policy does not negate or rescind the policy. The policy on sexual assault still continues in effect pending an amendment on disciplinary procedures as negotiated and applicable to Unit 01 employees.

6. Lacking compelling evidence to the contrary, the Board is of the opinion that the Employer is attempting to meet or has substantially complied with the order of the Board.

ORDER

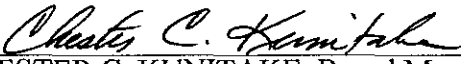
The UPW's motion to enforce Board order and for assessment of fees and costs is hereby denied without prejudice.

DATED: Honolulu, Hawaii, September 8, 2000.

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chairperson

UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO and BOARD OF REGENTS,
University of Hawaii, State of Hawaii, et al.
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AND FOR ASSESSMENT OF FEES AND COSTS



CHESTER C. KUNITAKE, Board Member



KATHLEEN RACUYA-MARKRICH, Board Member

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