

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

JANET WEISS,

Complainant,

and

JOAN LEE HUSTED, Deputy Executive Director, Hawaii State Teachers Association; MARK NAKASHIMA, Uniserv Director, Hawaii State Teachers Association; DON MERWIN, Uniserv Director, Hawaii State Teachers Association; and HAWAII STATE TEACHERS ASSOCIATION,

Respondents.

CASE NO. CU-05-164

ORDER NO. 2023

ORDER DENYING COMPLAINANT'S MOTION TO EXPEDITE PAYMENT AND TO DELAY HSTA'S POSTING

ORDER DENYING COMPLAINANT'S MOTION TO EXPEDITE PAYMENT AND TO DELAY HSTA'S POSTING

On May 29, 2001, Complainant JANET WEISS (WEISS) filed a Motion to Expedite Payment and to Delay HSTA's Posting with the Hawaii Labor Relations Board (Board). Complainant alleged that she did not receive payment from the Respondents JOAN LEE HUSTED, Deputy Executive Director, Hawaii State Teachers Association, et al. (collectively HSTA) pursuant to Decision No. 420 dated March 9, 2001 until May 29, 2001. In addition, WEISS alleged that HSTA was purposefully delaying the 60-day posting of the Board's decision at the public schools until the summer months. WEISS accordingly requested that the posting be delayed until September through November when the teachers return from the summer break.

On June 5, 2001, Respondents' counsel submitted an affidavit in opposition to the instant motion contending that the Board no longer has jurisdiction over the matter since Respondents appealed Decision No. 420 on April 2, 2001. Respondents' counsel states that on May 16, 2001 Respondents disseminated the decision for posting after the Court filed the Order Denying Appellant's Motion to Stay Order on May 7, 2001. In addition, Respondents' counsel confirmed that a check in the amount of \$20,620.56 was mailed to Complainant on May 24, 2001. Thus, Respondents contend the motion is moot and should be dismissed in its entirety.

As Respondents correctly indicate, Respondents appealed Decision No. 420 to the Third Circuit Court which has jurisdiction over the appeal. However the Board notes that Hawaii Revised Statutes (HRS) § 377-9(e) and Hawaii Administrative Rules § 12-42-51, provide for enforcement of Board orders where a party fails or neglects to obey an order which is in effect. Thus, pursuant to the foregoing provisions, the Board has jurisdiction to consider the instant motion seeking compliance with the Board's orders.

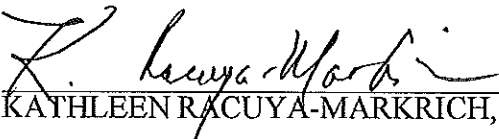
With respect to Complainant's motion, however, the Board finds based upon the record that the issues are moot as Respondents have substantially complied with the Board's orders. The record indicates that Complainant has already received a check for \$20,620.56 from Respondents. In addition, the HSTA has disseminated the decision for posting at the public schools in substantial compliance with Decision No. 420. Accordingly, the Board denies the instant motion.

DATED: Honolulu, Hawaii, July 20, 2001.

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chair


CHESTER C. KUNITAKE, Member


KATHLEEN R. CUYA-MARKRICH, Member

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