

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of
LEWIS W. POE,

Petitioner.

CASE NO. DR-03-85

ORDER NO. 2054

ORDER DENYING PETITIONER'S
MOTION FOR RECONSIDERATION
OF ORDER NO. 2043

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On November 8, 2001, LEWIS W. POE (POE) filed a Motion for Reconsideration of Order No. 2043, Denying Petition for Declaratory Ruling with the Hawaii Labor Relations Board (Board). POE moved the Board to reconsider its denial of his petition because he contends the Board "unlawfully and/or improperly ignored and/or disregarded the meaning of the simple word 'any' in the second paragraph of Hawaii Revised Statutes (HRS) §89-17, in violation Hawaii case law." In his declaration filed in support of the motion, POE admits that he failed to file a memorandum of authorities in support of his petition and relies on the Black's Law Dictionary's definition of "any" to support his contention that reference to every memoranda of agreement between the employers and the unions must be included in the Board's List of Employee Organizations Pursuant to HRS Section 89-17.

In Order No. 2043, dated October 21, 2001, the Board denied POE's Petition for Declaratory Ruling finding, inter alia, that POE's interpretation of HRS Section 89-17¹

¹HRS § 89-17 states:

List of employee organizations and exclusive representatives. The board shall maintain a list of employee organizations. To be recognized as such and to be included in the list, an organization shall file with the board a statement of its name, the name and address of its secretary or other officer to whom notices may be sent, the date of its organization, and its affiliations, if any, with other organizations. No other qualifications for inclusion shall be required, but every employee organization shall notify the board promptly of any change of name or of the name and address of its secretary or other officer to whom notices may be sent, or of its affiliations.

The board shall indicate on the list which employee organizations are exclusive representatives of appropriate bargaining units, the effective dates of their certification, and the effective date

was too broad and POE failed to provide a memorandum of authorities in support of his petition as required in Hawaii Administrative Rules (HAR) § 12-42-9(c)(5). Absent other authorities, the Board found its List of Employee Organizations Pursuant to HRS Section 89-17 was neither incomplete, nor defective, and therefore in compliance with HRS § 89-17.

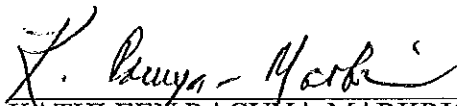
In considering the instant motion, “[t]he purpose of a motion for reconsideration is to allow the parties to present new evidence and/or arguments that could not have been presented during the earlier adjudicated motion.” Amfac, Inc. v. Waikiki Beachcomber Inv. Co., 74 Haw. 85, 114, 839 P.2d 10 (1992). In this case, POE failed to satisfy the foregoing condition because he simply failed to file a memorandum of authorities with his Petition for Declaratory Ruling. Having considered the arguments and authorities presented by POE, the Board is not persuaded that its findings of fact and conclusions of law in Order No. 2043 should be reconsidered and reversed. Accordingly, the instant motion for reconsideration is denied.

DATED: Honolulu, Hawaii, January 23, 2002

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chair


CHESTER C. KUNITAKE, Member


KATHLEEN RACUYA-MARKRICH, Member

Copies sent to:

Lewis W. Poe
Joyce Najita, IRC

and expiration date of any agreement reached between the public employer and the exclusive representative. Copies of the list shall be made available to interested parties upon request. [Emphasis added.]