

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CU-03-214
LEWIS W. POE,)	ORDER NO. 2288
)	ORDER CLARIFYING BOARD
Complainant,)	DECISION NO. 446
and)	
HAWAII GOVERNMENT EMPLOYEES)	
ASSOCIATION, AFSCME, LOCAL 152,)	
AFL-CIO,)	
)	
Respondent.)	

ORDER CLARIFYING BOARD DECISION NO. 446

On October 29, 2004, Complainant LEWIS W. POE (POE) filed a Motion for Clarification of Decision No. 446 with Regard to the Affected Employees with the Hawaii Labor Relations Board (Board). POE alleges that his counsel for the arbitration told him three days prior to the arbitration hearing that the Rest Periods issue only pertained to POE as an individual. POE believes that the decision is clear that the arbitration ordered by the Board was to involve all of the Tower Operators rather than himself as an individual. POE contends that such an interpretation would be contrary to several Findings of Fact and that the Respondent's counsel presented the arbitration as an individual grievance. POE also considers the motion to be time-sensitive because the arbitration brief is due in early December of 2004.

On November 4, 2004, Respondents, by and through its counsel, filed a memorandum in opposition to POE's motion. Respondents contend that Decision No. 446 placed the parties back at the January 22, 1999, Step 3 grievance on POE's individual grievance since POE's grievance was the only grievance filed on the Rest Periods issue. Accordingly, Respondent has performed pursuant to the Board's decision and contends that the Board should deny Complainant's Motion for Clarification.

After considering the motion¹ and record, the Board agrees with the Respondent that its decision is clear that it ordered the Respondent to submit POE's

¹Notwithstanding the Board's reluctance to clarify a final Board decision by motion rather than a Petition for Declaratory Ruling, in view of the time constraints involved, requiring POE to file a different petition would serve no useful purpose.

individual grievance to arbitration. The Board agrees with the Respondent that the only Article 21 rest periods grievance was filed by POE as an individual and the Board reinstated the grievance at the arbitration stage. Accordingly, Conclusion of Law #4 in Decision No. 446 refers to "POE's grievance."

DATED: Honolulu, Hawaii, November 19, 2004.

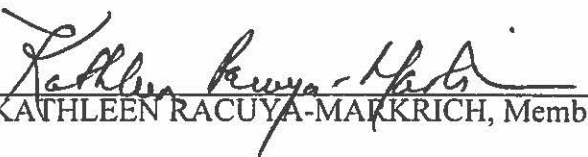
HAWAII LABOR RELATIONS BOARD



BRIAN K. NAKAMURA, Chair



CHESTER C. KUNITAKE, Member



KATHLEEN RACUYA-MARKRICH, Member

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