

STATE OF HAWAII

PUBLIC EMPLOYMENT RELATIONS BOARD

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| In the Matter of |) | |
| |) | |
| HAWAII GOVERNMENT EMPLOYEES' |) | Case Nos. <u>SF-02-44</u> |
| ASSOCIATION, LOCAL 152, |) | <u>SF-03-45</u> |
| AFSCME, AFL-CIO, |) | <u>SF-04-46</u> |
| |) | <u>SF-06-47</u> |
| Petitioner, |) | <u>SF-08-48</u> |
| |) | <u>SF-13-49</u> |
| and |) | |
| |) | |
| THEODORE B. JORDAN, |) | Order No. <u>244</u> |
| |) | |
| Intervenor. |) | |

ORDER REJECTING PROPOSED REBATE PLAN AND ORDERING
SUBMISSION OF A MODIFIED PLAN

In Decision 92 which was issued in the above-referenced case on October 18, 1978, this Board made the following order:

ORDERED that Petitioner HGEA and the Hawaii State Federation of Labor, in consultation with Intervenor, prepare a plan by which bargaining unit members represented by the HGEA will be informed of the decision of this Board, and be refunded, at their request, the 27¢ per annum that has been deducted from their paychecks in the form of per capita payments to the HSFL, and it is further

ORDERED that this plan be submitted to this Board for approval no later than 60 days after the date of this decision.

On January 24, 1979, the Hawaii Government Employees' Association (hereafter HGEA) submitted to the Board a proposed rebate procedure. It provided Intervenor Jordan with a copy of the proposal.

On February 9, 1979, a hearing was held on the proposal and related matters.

The significant features of the HGEA's proposal are the following:

1. Eligible employees are to appear in person at the HGEA offices on the islands of Oahu, Kauai, Maui and Hawaii, as appropriate, to receive cash rebates;
2. They must present acceptable proof of identification and sign receipts for the refunds;
3. Notice of the rebate shall be published in the HGEA's newspaper "The Public Employee" at least thirty days prior to the deadline for eligible employees to submit their requests for refunds;
4. Notice also shall be posted on bulletin boards provided by the employers in accordance with the collective bargaining agreements for the affected employees.

Intervenor Jordan has objected to limiting the rebate to those who request it. However, this limitation is consistent with this Board's order, quoted above, in Decision 92. Mr. Jordan also urges that the rebate should be made by mail and that notice of it should be made by publication in newspapers of general circulation.

The Board is of the opinion that the form of notice proposed to be used by the HGEA is reasonable. Employees are far more likely to see notices posted on work site bulletin boards than they are to see a legal notice in a newspaper. However, the Board is of the opinion that the notice period should be longer than 30 days and believes that a 60-day notice period would be reasonable.

The question of whether the employees should be required to come to HGEA offices to collect rebates or

whether a mail system of rebating the 27 cents is preferable presents difficulties. Personal trips to the HGEA offices would be onerous for many employees; mailing the rebate in the form of checks would be onerous for the union. The Board therefore orders the HGEA to devise a modified rebate procedure and to submit such new procedure to the Board for its approval.* As part of the new procedure, the HGEA should design a rebate mechanism which allows it to make cash rebates to employees at their work sites through use of shop stewards or other union agents.

The HGEA should submit its proposal to the Board no later than thirty calendar days after the date of this Order.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD


Mack H. Hamada, Chairman


James K. Clark, Board Member


John E. Milligan, Board Member

Dated: April 19, 1979

Honolulu, Hawaii

* A copy of the revised procedure should be submitted to Intervenor Jordan for his review.