

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

UNIVERSITY OF HAWAII
PROFESSIONAL ASSEMBLY,

Complainant,

and

BOARD OF REGENTS, University of
Hawaii, State of Hawaii,

Respondent.

CASE NO. CE-07-708

ORDER NO. 2776

ORDER GRANTING
COMPLAINANT'S MOTION FOR
CONTINUATION OF PROCEEDINGS
PURSUANT TO HLRB ORDER 2701
(sic), FILED ON JANUARY 18, 2011;
AND NOTICE OF PREHEARING
CONFERENCE

ORDER GRANTING COMPLAINANT'S MOTION FOR
CONTINUATION OF PROCEEDINGS PURSUANT TO HLRB ORDER 2701 (sic),
FILED ON JANUARY 18, 2011; AND NOTICE OF PREHEARING CONFERENCE

On January 18, 2011, Complainant UNIVERSITY OF HAWAII PROFESSIONAL ASSEMBLY (UHPA), by and through its counsel, filed a Motion for Continuation of Proceedings Pursuant to HLRB Order No. 2701 (sic) with the Hawaii Labor Relations Board (Board). Complainant alleges, *inter alia*, that the arbitrator has ruled that certain remedies were not within the authority of the arbitral forum; and based on the findings of fact and conclusions in the Arbitrator's decision, UHPA requested the Board order Respondent BOARD OF REGENTS, University of Hawaii (BOR) to cease and desist from discriminating against employees for engaging in union activity and order the BOR to post electronic and hard copy notices that it has been found to be in violation fo unlawful discrimination pursuant to Hawaii Revised Statutes (HRS) § 89-13(a) and Article II.B of the applicable collective bargaining agreement.

The BOR did not file a response to UHPA's motion.

In Order No. 2711, dated June 17, 2010, the Board granted the BOR's Motion to Defer Prohibited Practice Proceedings to the contractual process because the grievance involved similar factual allegations as the present Complaint, including the allegation that the faculty member was denied promotion to Librarian VI because of retaliation for protected union activity. The Board further stated:

The Board will entertain a motion to reopen this prohibited practice action after the contractual proceedings are concluded to address issues that were not addressed or remedied by the contractual proceedings.

Based upon a review of the record and UHPA's motion, pursuant to Order No. 2711, dated June 17, 2010, the Board hereby grants UHPA's motion to continue or reopen this action to address issues that were not addressed or remedied by the Arbitrator.

NOTICE IS HEREBY GIVEN that the Board will conduct a prehearing conference on February 25, 2011 at 9:00 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.

DATED: Honolulu, Hawaii, February 8, 2011.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



NORMAN K. KATO II, Member

Copies sent to:

Linda M. Aragon, Esq.
Christine Tamashiro, Esq.