

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

UNIVERSITY OF HAWAII
PROFESSIONAL ASSEMBLY,

Complainant,

and

UNIVERSITY OF HAWAII, State of Hawaii
and M. R. C. GREENWOOD, President,
University of Hawaii at Manoa, State of
Hawaii,

Respondents.

CASE NO. CE-07-777

ORDER NO. 2784

ORDER DEFERRING PROHIBITED
PRACTICE PROCEEDINGS TO THE
CONTRACTUAL GRIEVANCE
PROCESS

ORDER DEFERRING PROHIBITED PRACTICE
PROCEEDINGS TO THE CONTRACTUAL GRIEVANCE PROCESS

On March 28, 2011, Respondents filed a Motion to Defer Prohibited Practice Proceedings to Arbitration with the Hawaii Labor Relations Board (Board). Respondents alleged, *inter alia*, that Complainant filed a grievance alleging the violation of a Settlement Agreement at issue in these proceedings; that Complainant's position is that Respondents' breach of the Settlement Agreement arises out of the contractual grievance procedure and that the proper forum for the case is arbitration; that the Respondents have denied the arbitrability of the grievance; and that the parties have selected an arbitrator for the grievance.

At the prehearing/settlement conference held on March 30, 2011, Complainant's counsel represented that Complainant wanted to be in arbitration and thus the above-referenced parties, by and through their counsel, agreed to defer the matters underlying this complaint to the contractual grievance procedure where a grievance involving the identical or similar factual allegations is being pursued by Complainant.

Based on the foregoing, the Board defers the matters underlying this complaint to the contractual grievance process. 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. Accordingly, the Board denies Respondents' Motion to Defer Prohibited Practice Proceedings to Arbitration filed with the Board on March 28, 2011 as moot and removes the hearing scheduled on April 5, 2011 at 9:00 a.m. in this matter from the Board's hearing calendar.

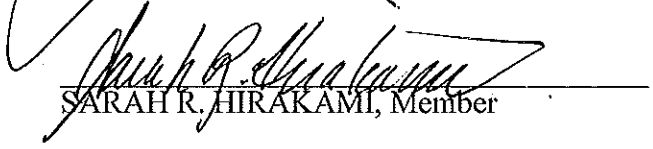
UNIVERSITY OF HAWAII PROFESSIONAL ASSEMBLY v. UNIVERSITY OF HAWAII,
State of Hawaii, et al.
CASE NO. CE-07-777
ORDER NO. 2784
ORDER DEFERRING COMPLAINT TO ARBITRATION

DATED: Honolulu, Hawaii, March 31, 2011.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



SARAH R. HIRAKAMI, Member



NORMAN K. KATO II, Member

Copies sent to:

Wade C. Zukeran, Esq.
Christine S.Y. Chun, Esq.