

STATE OF HAWAII  
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of	)	
HAWAII NURSES ASSOCIATION,	)	Case No. <u>CE-09-41</u>
Complainant,	)	
and	)	Order No. <u>279</u>
GEORGE R. ARIYOSHI, Governor	)	
of the State of Hawaii, and	)	
GEORGE YUEN, Director of	)	
Health, State of Hawaii,	)	
Respondents.	)	

ORDER DENYING MOTION OF HAWAII  
NURSES ASSOCIATION FOR RECONSIDERATION

On July 11, 1979, this Board entered in the above-referenced case an "Order Dismissing Hawaii Nurses Association as Complainant and Giving the Hawaii Government Employees' Association an Opportunity to be Substituted as Complainant." Order No. 271.

Order No. 271 resulted from the fact that on July 10, 1979, the Hawaii Nurses Association (HNA hereafter) lost its status as the exclusive representative of Unit 9 (registered professional nurses) and the Hawaii Government Employees' Association had been certified as the new exclusive representative of said unit.

Subsequently, on July 24 and July 26, 1979, the HNA, by its attorney, filed a motion for reconsideration of Order No. 271 and a supporting memorandum and affidavit.

The HNA asserts that its motion is filed "in accordance with the decision of the U. S. Supreme Court in Nolde Brothers, Inc. v. Bakery Workers, 430 U.S. 243, 51 L. Ed. 300, 97 S. Ct. 1067 (1977)."

A review of the Nolde Brothers decision shows that it has no application to a situation in which there has been a change of exclusive representatives. Nolde Brothers is concerned solely with the issue of whether the obligation of contracting parties under an arbitration clause survives the termination of a collective bargaining agreement. The case provides no support for a reconsideration of an order premised as Order No. 271 was upon the HNA's loss of exclusive representative status.


The HNA also claims in support of its motion for reconsideration that "it alone can assert the right to have an appropriate remedy rendered by the Board. The remedy herein would require the placement of state cars at Kapahulu prior to consultation with the Hawaii Government Employees' Association."

This conclusory assertion is not necessarily accurate. In any event, to allow the HNA to continue to pursue the instant case would be contrary to and incompatible with the right of the HGEA to exclusively represent the employees of Unit 9.

For the foregoing reasons, the Board denies the HNA's motion to reconsider Order No. 271.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

  
James K. Clark, Board Member

  
John E. Milligan, Board Member

Dated: August 8, 1979

Honolulu, Hawaii