

11/11/79

STATE OF HAWAII
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of)	Case No. <u>SF-09-69</u>
HAWAII NURSES ASSOCIATION,)	Order No. <u>283</u>
Petitioner.)	
<hr/>		

ORDER DENYING MOTION TO RECONSIDER
HAWAII PUBLIC EMPLOYMENT RELATIONS
BOARD ORDER DISMISSING CASE

On July 11, 1979, this Board in Order 272 dismissed the above-entitled service fee case. The case was dismissed because on July 10, 1979, while the case was pending before the Board, the petitioner Hawaii Nurses Association (hereafter HNA) lost its status as exclusive representative of Unit 9 (registered professional nurses) and the HGEA was certified as exclusive representative of said unit.

On July 26, 1979, the HNA filed a motion and supporting affidavit requesting that the Board reconsider Order 272.

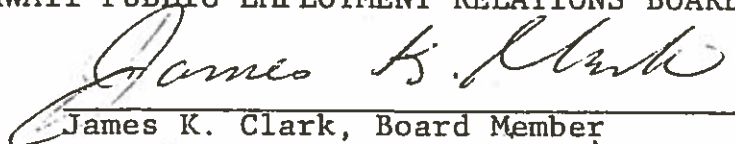
The HNA asserts as the basis for its motion to reconsider that the petition requests an increase effective January 1, 1979; that the HNA was the exclusive representative of Unit 9 from January 1, 1979 through June 30, 1979; consequently, the HNA is entitled to pursue the service fee petition "by virtue of its interest in obtaining a \$60 increase per year (\$30 for the period herein) for approximately 750 registered nurses employed by the State of Hawaii in Unit 9."

Based upon the record in this case, the Board agrees with the HNA that the petition requested an increase effective January 1, 1979 and that the HNA was the exclusive representative of Unit 9 from January 1, 1979 through June 30, 1979.

The evidence in the record is not sufficient, however, to support a determination by the Board that the \$30 increase proposed by the HNA for the period January 1, 1979 through June 30, 1979 is reasonable. The evidence justifying the requested increase has remained insufficient despite the fact that the Board, on its own motion, reopened the hearing on May 21, 1979 to enable the HNA to provide additional evidence on items in the proposed budget, such as the per capita payments and an unjustified surplus which would result from the proposed increase, as to which the record was and remains deficient. Accordingly, because the \$30 proposed increase has not been reasonably justified in the record, there is no adequate basis to justify a reconsideration of Order 272.

Based upon the foregoing, the motion to reconsider is hereby denied.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD


James K. Clark, Board Member


John E. Milligan, Board Member

Dated: August 16, 1979

Honolulu, Hawaii