



STATE OF HAWAII

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Transaction ID 62191594
Case No. 18-01 (CE)

HAWAII LABOR RELATIONS BOARD

In the Matter of

JOSEPH H. CAMPOS II, Ph.D.,

Complainant,

and

UNIVERSITY OF HAWAII AT MANOA,
State of Hawaii,

Respondent.

CASE NO.: 18-01 (CE)

ORDER NO.: 3373

ORDER DISMISSING UNFAIR LABOR
PRACTICE COMPLAINT

ORDER DISMISSING UNFAIR LABOR PRACTICE COMPLAINT

On June 12, 2018, Complainant JOSEPH H. CAMPOS II, Ph.D. (Complainant), self-represented litigant (SRL), filed an Unfair Labor Practice Complaint (ULP Complaint) with the Hawaii Labor Relations Board (Board) against Respondent UNIVERSITY OF HAWAII AT MANOA, State of Hawaii (UH Manoa or Respondent) alleging violations of Hawaii Revised Statutes (HRS) § 377-6(6), (8), and (11).

On June 13, 2018, the Board sent a Notice to Respondent of Unfair Labor Practice Complaint; Notice of Prehearing Conference and Notice of Hearing on the Merits of the Unfair Labor Practice Complaint (Notice) to UH Manoa, which, among other things, provided notice of a Prehearing Conference to be held on June 22, 2018.

In accordance with the Notice, on June 22, 2018, the Prehearing Conference was held and attended by Complainant, SRL, and by counsel for UH Manoa.

At the Prehearing Conference, the Board orally and *sua sponte*, dismissed this case for lack of jurisdiction based on the following Findings of Fact and Conclusions of Law:

1. HRS § 377-6 governs unfair labor practice complaints and provides that “[i]t shall be an unfair labor practice for an employer individual or in concert with others” to perform certain enumerated acts.

2. HRS § 377-1 provides the definition of Employer:

“Employer” means a person who engages the services of an employee, and includes any person acting on behalf of an employer, ***but shall not include the State or any political subdivision thereof,*** or any labor organization or anyone acting in behalf of such organization other than when it is acting as an employer in fact. (Emphasis added)

3. Pursuant to HRS § 26-4(7), the University of Hawaii is organizationally an executive department of the State of Hawaii.
4. The Respondent University of Hawaii at Manoa, State of Hawaii is one campus of the University of Hawaii.
5. Accordingly, Respondent UH Manoa is not an employer, as defined in HRS § 377-1; and therefore, not subject to an unfair labor practice complaint under HRS § 377-6.

ORDER

For the foregoing reasons, the Board finds that it lacks jurisdiction over the ULP Complaint filed by the Complainant on June 8, 2018. The case is hereby dismissed and closed.

DATED: Honolulu, Hawaii, June 29, 2018.

HAWAII LABOR RELATIONS BOARD




MARCUS R. OSHIRO, Chair


J. N. MUSTO, Member

Copies to:

Joseph H. Campos II, Ph.D., SRL

Elisabeth A.K. Contrades, Associate General Counsel, University of Hawaii