

STATE OF HAWAII

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of	)	
	)	
STATE OF HAWAII ORGANIZATION	)	CASE NO. CE-12-67
OF POLICE OFFICERS (SHOPO)	)	
(Honolulu Police Officers 1	)	ORDER NO. 438
through 55),	)	
	)	
Complainants,	)	
	)	
and	)	
	)	
FRANK F. FASI, Mayor of the	)	
City and County of Honolulu,	)	
	)	
Respondent.	)	

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ORDER DISMISSING CASE WITH PREJUDICE

On February 17, 1982 the parties in the above-entitled case filed with this Board a stipulation in which both parties agreed:

1. That Case No. CE-12-67, In the Matter of STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS (SHOPO), a class action on behalf of certain police officers and FRANK F. FASI, Mayor of the City and County of Honolulu, be withdrawn and dismissed with prejudice, with respect to all complainants, except Officer ROBERT BURNS and Sergeant MILTON MATSUMOTO;

2. That in substitution of Case No. CE-12-67 will be a prohibited practice complaint filed by SHOPO, on behalf of Officer ROBERT BURNS and Sergeant MILTON MATSUMOTO;

3. That the parties agree that the prohibited practice complaint, attached hereto as Exhibit "A" was filed within the time limit provided for by Section 377-9(1), HRS;

4. That the interrogatories completed by Officer ROBERT BURNS and Sergeant MILTON MATSUMOTO in Case No. CE-12-67, be made a part of the records and pleadings of the prohibited practice complaint to be filed by said Complainants;

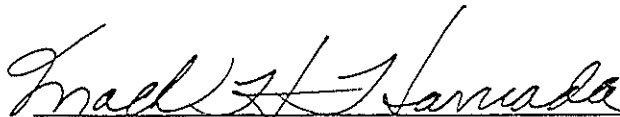
5. That the interrogatories completed by Assistant Deputy Chief of Police EDWIN ROSS, Honolulu Police Department, with respect to Officer ROBERT BURNS and Sergeant MILTON MATSUMOTO also be made a part of the records and pleadings of the prohibited practice complaint to be filed by said Complainants.

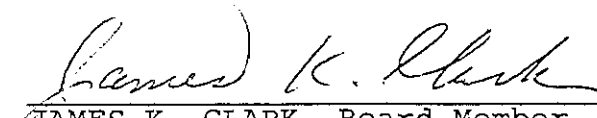
The stipulation is hereby approved, except as to item three above. The Board cannot confer on parties appearing before it the authority to determine jurisdictional matters. However, inasmuch as the instant prohibited practice complaint was timely filed, Officer BURNS and Lieutenant MATSUMOTO were properly class members hereto and the claims raised in the substituted complaint are substantively identical, the Board is inclined to rule in the subsequent proceeding that the substituted complaints of BURNS and MATSUMOTO are timely filed. As to items four and five of the stipulation, documents sought to be made part of the record in the subsequent case should be properly introduced at the appropriate time.

In view of the foregoing, the instant case is dismissed with prejudice.

DATED: Honolulu, Hawaii, March 9, 1982.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

  
MACK H. HAMADA, Chairman

  
JAMES K. CLARK, Board Member

Copies sent to:

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