

STATE OF HAWAII

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of	)	
	)	
MARTIN K. DOUDNA,	)	CASE NO. PD-07-01
	)	
Petitioner,	)	ORDER NO. 442
	)	
and	)	
	)	
UNIVERSITY OF HAWAII	)	
PROFESSIONAL ASSEMBLY,	)	
	)	
Exclusive	)	
Representative.	)	
_____	)	

: ORDER DENYING MOTION FOR PARTICULARIZATION

Exclusive Representative UNIVERSITY OF HAWAII PROFESSIONAL ASSEMBLY (UHPA) filed an Answer and/or Motion for Particularization in the above-entitled case on January 18, 1982.

Subsequently, on February 19, 1982, a prehearing conference was conducted by the Board with both Petitioner and counsel for UHPA present. As a result of the prehearing conference, the Board determines that the issues in this case are as follows:

1. Whether Petitioner is entitled (a) to be refunded, under Section 89-4, HRS, as amended by Act 180 of the Eleventh Legislature, 1981, his pro rata share of statutory payments to the Exclusive Representative, and (b) to donate, in lieu of payment to the Exclusive Representative, an equivalent amount to a charitable organization.

2. Whether the Exclusive Representative violated Section 89-13(b)(4), HRS; that is, whether it refused

or failed to comply with any provisions of Chapter 89, HRS, in failing to reply to a letter from Petitioner, dated August 20, 1981 (Petitioner's Complaint, attachment 9) in which Petitioner asked for an interpretation of Article IX(K) (2) (H) of the 1981-83 Agreement, regarding tenure evaluation procedures; and

3. Whether Exclusive Representative violated subsection 89-13(b)(4), HRS, in addressing a cover letter transmitted with copies of the 1981-83 agreement for Unit 7 members to "Members of UHPA" rather than "Members of Unit 7" or "Faculty Members" and thereby discriminated against non-UHPA members.

In light of discussions held at the prehearing and the foregoing framing of pending issues, the Motion for Particularization is denied.

Dated: Honolulu, Hawaii, May 12, 1982.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

  
MACK H. HAMADA, Chairperson

  
JAMES K. CLARK, Board Member

Copies sent to:

Thomas P. Gill, Esq.  
Martin K. Doudna