

STATE OF HAWAII

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of)	CASE NOS.:	CE-03-80
)		CU-03-45
RONALD CALDEIRA,)		
)	ORDER NO.	455
Complainant,)	ORDER DENYING MOTION	
)	FOR RESTRAINING ORDER	
and)		
)		
EDUARDO MALAPIT, Mayor of)		
the County of Kauai, and)		
HAWAII GOVERNMENT EMPLOYEES')		
ASSOCIATION, AFSCME LOCAL 152,)		
AFL-CIO,)		
)		
Respondents.)		

ORDER DENYING MOTION FOR RESTRAINING ORDER

On August 30, 1982, Complainant filed with the Hawaii Public Employment Relations Board [hereinafter referred to as Board] a Motion for Restraining Order Against Respondent Malapit, in which Complainant requested that the Board restrain Respondent MALAPIT from suspending Complainant from September 12, 1982 through September 15, 1982. A hearing on the instant matter was held on September 10, 1982. All parties were represented by counsel, who presented arguments to the Board.

The Board, having determined that it is vested with the authority, under §§89-14 and 377-9(d), Hawaii Revised Statutes, to issue the interlocutory order requested, entertained arguments on the merits of the instant motion.

Based upon the evidence and arguments submitted, the Board hereby denies the instant motion on the basis that Complainant has failed to demonstrate that he will suffer irreparable harm due to the imposition of the

pending disciplinary suspension. After imposition of the suspension, Complainant will have available to him the adequate remedy of back pay and the expungement from his record of the discipline imposed, should such imposition be improper.

The Board further notes that the imposition of any further discipline beyond the suspension for the period of September 12 to September 15, 1982, for any conduct at issue in the instant complaint, would be deemed by the Board to be improper.

DATED: Honolulu, Hawaii, September 15, 1982.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD


MACK H. HAMADA, Chairperson


JAMES K. CLARK, Board Member


JAMES R. CARRAS, Board Member

Copies sent to:

Samuel King, Jr., Esq.
Michael Abe, Esq.
Yukio Naito, Esq.
Joyce Najita, IRC