

STATE OF HAWAII

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of) CASE NO. DR-07-45
UNIVERSITY OF HAWAII) ORDER NO. 486
PROFESSIONAL ASSEMBLY,)
Petitioner.)

ORDER GRANTING PETITION FOR
INTERVENTION AND NOTICE OF HEARING

On June 27, 1983, the UNIVERSITY OF HAWAII PROFESSIONAL ASSEMBLY [hereinafter referred to as UHPA] filed a Petition for Declaratory Ruling with the Hawaii Public Employment Relations Board [hereinafter referred to as Board]. UHPA seeks clarification of §§89-9(a), 89-11(b), 89-12(b)(2) and 89-13(a)(5), Hawaii Revised Statutes [hereinafter referred to as HRS], and Administrative Rules §12-42-61 and contends:

(1) Under HRS 89-11(b), the Board may find an impasse where only the filing party has bargained in good faith; a finding of impasse does not presuppose that both parties have bargained in good faith.

(2) If during collective bargaining, a public employer refuses for months to discuss salaries or other cost items, but within days of the closing of the legislature, submits a first, final, and non-negotiable salary and cost-item offer, the employer's tactic is a refusal to bargain in good faith under HRS 89-13(a)(5) and a violation of HRS 89-9(a).

(3) Under HRS 89-12(b)(2), proceedings for the prevention of any prohibited practices are exhausted when HPERB has ruled on them, and exhaustion of proceedings relating to prohibited practices occurring after completion of fact finding is not a prerequisite to strike.

On August 1, 1983, a hearing was held before the Board on the Petition for Intervention filed by James H. Yasuda, Chief Negotiator, State of Hawaii [hereinafter referred to as Yasuda] on July 18, 1983. Counsel for Yasuda, Deputy Attorney General Jean K. Chiogioji represented that the petition was brought on behalf of Governor Ariyoshi and the Board of Regents, University of Hawaii. After a review of the record and oral arguments presented, the Board finds that Yasuda, the designated representative of public employers under Chapter 89, HRS, has alleged a sufficient interest pertinent to the issues presented to be granted intervenor status. Accordingly, Yasuda's Petition for Intervention is hereby granted.

YOU ARE HEREBY NOTIFIED that the Board will conduct a hearing pursuant to §89-5(b)(5), HRS, and Administrative Rules §12-42-9(h) on the subject declaratory ruling petition on September 6, 1983 at 9:00 a.m. in the Board's hearings room, second floor, 550 Halekauwila Street.

All parties have the right to appear in person and to be represented by counsel or other representative.

DATED: Honolulu, Hawaii, August 4, 1983.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD


MACK H. HAMADA, Chairperson


JAMES K. CLARK, Board Member


JAMES R. CARRAS, Board Member

UNIVERSITY OF HAWAII PROFESSIONAL ASSEMBLY, Petitioner;
CASE NO. DR-07-45; ORDER GRANTING PETITION FOR INTERVENTION
AND NOTICE OF HEARING

Copies sent to:

Jean K. Chiogioji, Esq.
Thomas P. Gill, Esq.
Joyce Najita, IRC

STATE OF HAWAII
HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of)	CASE NOS.: CE-13-65
)	CU-13-39
EDGAR H. W. LUM,)	
)	ORDER NO. 485
Complainant,)	
)	ORDER GRANTING
and)	RESPONDENT'S MOTION
)	FOR CONTINUANCE
EILEEN R. ANDERSON, Mayor)	
of the City and County of)	
Honolulu,)	
)	
and)	
)	
HAWAII GOVERNMENT EMPLOYEES')	
ASSOCIATION, AFSCME LOCAL)	
152, AFL-CIO,)	
)	
Respondents.)	

ORDER GRANTING RESPONDENT'S
MOTION FOR CONTINUANCE

On July 20, 1983, Respondent EILEEN R. ANDERSON, by and through her legal counsel, Charlotte J. Duarte, filed Respondent's Motion for Continuance with this Board. The motion requested a continuance of the hearing in the above-entitled case from the week of July 25, 1983 through July 29, 1983 to a date determined by the parties and approved by the Board.

In a supporting affidavit attached thereto, counsel stated that because of her pregnancy and attendant health concerns and complications, she was advised by her physician to cease all litigation activity for the duration of her pregnancy.

Further, the affidavit stated that counsel has been removed as the attorney of record in this case and that Deputy Corporation Counsel Michael K. Abe has replaced her.

Also, in an affidavit attached thereto, Michael K. Abe stated that because of his unfamiliarity with the case and because of his calendar conflicts, he needs more time to adequately prepare for the hearing.

All other parties have been contacted and have no objection to the continuance. The Board hereby grants Respondent ANDERSON's motion for continuance of the hearing.

YOU ARE HEREBY NOTIFIED that the hearing on the instant complaint is continued until October 4, 1983 at 9:00 a.m. in the Board's hearings room, second floor, 550 Halekauwila Street, Honolulu, Hawaii. The hearing may continue from day to day until completed.

DATED: Honolulu, Hawaii, July 28, 1983.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD


MACK H. HAMADA, Chairperson


JAMES K. CLARK, Board Member


JAMES R. CARRAS, Board Member

Copies sent to:

Michael K. Abe, Esq.
Charlotte J. Duarte, Esq.
Rodney H. S. Kim, Esq.
Yukio Naito, Esq.
Joyce Najita, IRC