

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CE-10-108
)	
BUDDY H. KIMURA,)	ORDER NO. 676
)	
Complainant,)	ORDER GRANTING MOTION TO
)	QUASH SUBPOENA DUCES TECUM;
and)	ORDER DENYING AMENDED
)	MOTION BY RESPONDENT ALFRED
JOHN WAIHEE, Governor of the)	LARDIZABAL TO DISMISS PETI-
State of Hawaii,)	TION; NOTICE OF HEARING
)	
Respondent.)	

In the Matter of)	CASE NO. CU-10-56
)	
BUDDY H. KIMURA,)	
)	
Complainant,)	
)	
and)	
)	
UNITED PUBLIC WORKERS, LOCAL)	
646, AFSCME, AFL-CIO,)	
)	
Respondent.)	

ORDER GRANTING MOTION TO QUASH SUBPOENA DUCES TECUM;
ORDER DENYING AMENDED MOTION BY RESPONDENT ALFRED
LARDIZABAL TO DISMISS PETITION; NOTICE OF HEARING

On February 1, 1988, Complainant in the above-captioned matter filed an Application for Issuance of Subpoena and Subpoena Duces Tecum to have the Hawaii Labor Relations Board [hereinafter referred to as Board] direct Lefty Yamamoto, Department of Personnel Services, State of Hawaii, to produce before the Board all books, records and documents concerning the distribution of temporary assignment pay for Adult Corrections Officer III's for

the years 1982-1983 and 1984; and any agreements, records, documents or correspondence concerning the division of Oahu Community Correctional Center into separate yards or units. The requested subpoenas were issued on February 9, 1988. A Motion by [sic] Quash Subpoena was filed by JOHN WAIHEE, Governor of the State of Hawaii [hereinafter referred as State] on February 10, 1988, this motion being of a nature to revoke the subpoena alleging that Yamamoto is not the appropriate custodian of records.

For good cause shown, the Board hereby grants the motion to quash and directs Complainant to re-issue a Subpoena Duces Tecum regarding the above-mentioned records to the Custodian of Records for Oahu Community Correctional Center.

The Motion by Respondent Alfred Lardizabal to Dismiss Petition and the Amended Motion by Respondent Alfred Lardizabal to Dismiss Petition, filed on February 9, 1988 and February 16, 1988, respectively, with which Respondent UNITED PUBLIC WORKERS, LOCAL 646, AFSCME, AFL-CIO [hereinafter referred to as UPW], joined by motion, filed February 10, 1988, are hereby denied. At the hearing on February 16, 1988 before this Board, it became apparent that arbitration was not likely in the given circumstances where the UPW's attorney stated that he would recommend to the union that arbitration not be considered in Complainant's case. Dismissal on the basis of pending arbitration is thus not warranted. Neither is dismissal on the basis of mootness called for as the Complainant has indicated no firm intention to accept the State's settlement offer. Finally, dismissal on the basis of the statute of limitations is not warranted at this juncture as

the factual basis for the requisite ruling has not yet been developed in the record.

YOU ARE HEREBY NOTIFIED that the Board will conduct a hearing, pursuant to §§ 89-5(b)(4) and 89-14, HRS, and Administrative Rules § 12-42-49 and 12-42-8(g) on the instant complaints as consolidated on March 16, 1988 at 9:00 a.m. in the Board's hearings room, Room 203, 550 Halekauwila Street, Honolulu, Hawaii. Other provisions of the notice issued on January 13, 1988 remain applicable.

DATED: Honolulu, Hawaii, March 1, 1988.

HAWAII LABOR RELATIONS BOARD


MACK H. HAMADA, Chairperson


JAMES R. CARRAS, Board Member

Copies sent to:

Buddy H. Kimura
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James A. King, Esq.
Joyce Najita, IRC