

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. CE-07-152
	)	
UNIVERSITY OF HAWAII	)	ORDER NO. 878
PROFESSIONAL ASSEMBLY,	)	
	)	ORDER CLARIFYING BOARD'S
Complainant,	)	ORDER NO. 869 GRANTING MOTION
	)	FOR PARTIAL SUMMARY JUDGMENT
and	)	
	)	
BOARD OF REGENTS, University	)	
of Hawaii,	)	
	)	
Respondent.	)	
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ORDER CLARIFYING BOARD'S ORDER NO. 869  
GRANTING MOTION FOR PARTIAL SUMMARY JUDGMENT

On April 2, 1992, Respondent BOARD OF REGENTS, University of Hawaii (BOR), by and through its attorneys, filed Respondent's Motion for Clarification of Order Granting Motion for Partial Summary Judgment with this Board. Respondent seeks clarification of Board Order No. 869, issued on March 24, 1992, granting partial summary judgment in favor of the UNIVERSITY OF HAWAII PROFESSIONAL ASSEMBLY (UHPA).

Respondent posed the following questions:

1. Did the Board intend that the names of the employees, the nature and the status of the charges against such an employee, whether the charges were based upon formal charges or informal charges, and any disciplinary action taken be encompassed in the terms "disciplinary proceedings" and "procedures regarding discipline" as set forth in the Board's Order Granting Partial Summary Judgment?

2. Is the Board's findings that "confidentiality of disciplinary proceedings" is negotiable and that "procedures regarding discipline are negotiable as specified by statute" based solely upon the Board's interpretation of the provisions of Chapter 89, HRS?

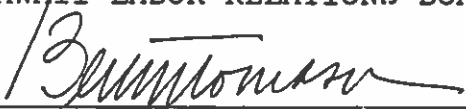
3. The public employer is not able to determine whether the conclusion of the Board as to the negotiability of the "confidentiality of disciplinary proceedings," to the extent that some materials related to employee discipline are required to be made public pursuant to Chapter 92F, HRS, constitutes a ruling by the Board that Chapter 92F is inapplicable to matters that may be negotiable under Section 89-9, HRS. Is this the Board's position by the terms of its Order?

On April 7, 1992, Complainant UHPA filed its Memorandum in Response to Respondent's Motion for Clarification of Order Granting Motion for Partial Summary Judgment. In its memorandum, UHPA submits that the answers to the questions raised by the BOR are Yes, Yes and No. The Board generally agrees with the statements made by Complainant UHPA as to its interpretation of the Board's Order.

In an effort to clarify its Order for Respondent BOR, the Board therefor answers the questions in the order raised by the BOR as Yes, Yes and No.

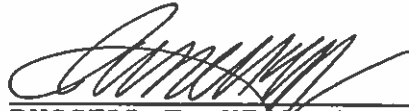
DATED: Honolulu, Hawaii, May 29, 1992.

HAWAII LABOR RELATIONS BOARD

  
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BERT M. TOMASU, Chairperson

UNIVERSITY OF HAWAII PROFESSIONAL ASSEMBLY and BOARD OF REGENTS,  
University of Hawaii; CASE NO. CE-07-152  
ORDER NO. 878  
ORDER CLARIFYING BOARD ORDER NO. 869 GRANTING MOTION FOR PARTIAL  
SUMMARY JUDGMENT

  
GERALD K. MACHIDA, Board Member

  
RUSSELL T. HIGA, Board Member

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