

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. CE-07-173
	)	
UNIVERSITY OF HAWAII	)	ORDER NO. 953
PROFESSIONAL ASSEMBLY,	)	
	)	ORDER CLARIFYING DECISION
Complainant,	)	NO. 335
	)	
and	)	
	)	
BOARD OF REGENTS, University	)	
of Hawaii,	)	
	)	
Respondent.	)	
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ORDER CLARIFYING DECISION NO. 335

On April 12, 1993, the Board issued Decision No. 335 in Case No. CE-07-173. The Board found that the BOARD OF REGENTS, University of Hawaii (BOR or Employer) had committed a prohibited practice and ordered the BOR, inter alia, to temporarily assign Richard Nishioka to the position of Director of Admissions and Records, retroactive to November 1, 1991 and reimburse him for the net loss of earnings and benefits from November 1, 1991 to the date the position is filled on a permanent basis.

On June 18, 1993, the UNIVERSITY OF HAWAII PROFESSIONAL ASSEMBLY (UHPA) filed a motion for clarification and enforcement of Decision No. 335. In its motion, UHPA requests clarification of the Board decision as it pertained to the amounts owing to Nishioka.


On July 13, 1993, the Board held a conference on this matter. The BOR, by and through its counsel, indicated that


Associate Director Nishioka was not entitled to any increase in salary from the temporary assignment because he had the same salary rank as Director Fukuda. The BOR indicated, however, that it was prepared to offer Nishioka a \$250 per month stipend retroactive to November 1, 1991 until the Director's position was permanently filled.

In Decision No. 335, the Board ordered the BOR to compensate Nishioka for the amounts which he would have received but for the prohibited practices committed by the BOR. As the Board is constrained by the record in this case, the uncontroverted testimony adduced at the hearing indicated that Nishioka would have earned an additional \$500 per month for a temporary assignment to the Director's position. Thus, the Board ordered the BOR to reimburse Nishioka an additional \$500 per month from November 1991 until such time as the Director's position was permanently filled. The BOR's subsequent discovery that its position was erroneous does not affect the Board's decision and order.

DATED: Honolulu, Hawaii, July 23, 1993.

HAWAII LABOR RELATIONS BOARD

  
BERT M. TOMASU, Chairperson

  
RUSSELL T. HIGA, Board Member

  
SANDRA H. EBESU, Board Member

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