

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

|                                |   |                             |
|--------------------------------|---|-----------------------------|
| In the Matter of               | ) | CASE NO. CE-01-186          |
| UNITED PUBLIC WORKERS, AFSCME, | ) | ORDER NO. 954               |
| LOCAL 646, AFL-CIO,            | ) | ORDER GRANTING RESPONDENTS' |
| Complainant,                   | ) | MOTION TO DISMISS           |
| and                            | ) |                             |
| STEVEN K. YAMASHIRO, et al.,   | ) |                             |
| Respondents,                   | ) |                             |
| and                            | ) |                             |
| WASTE MANAGEMENT OF HAWAII,    | ) |                             |
| INC.,                          | ) |                             |
| Intervenor.                    | ) |                             |

ORDER GRANTING RESPONDENTS' MOTION TO DISMISS

On July 7, 1993, Respondents, by and through their attorneys, filed a motion to dismiss certain respondents from this proceeding. Respondents requested that the complaint against RICHARD WURDEMAN, Esq., SPENCER KALANI SCHUTTE, JIMMY ARAKAKI, TAKASHI DOMINGO, KEOLA CHILDS, and JIM RATH be dismissed because they are not "public employers" within the meaning of Section 89-13, Hawaii Revised Statutes (HRS). Thereafter, Respondents submitted various affidavits and a Reply Memorandum in support of its motion.

On July 15, 1993, Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW), by and through its attorneys, filed a Memorandum in Opposition to the Motion to Dismiss and a


Supplemental Memorandum in Opposition to Motion to Dismiss  
Complaint on July 22, 1993.

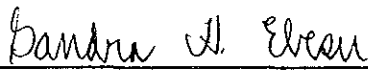
Intervenor WASTE MANAGEMENT OF HAWAII, INC. (WMI) filed  
a Memorandum in Support of Respondents' Motion to Dismiss on  
July 19, 1993.

The motion came on for hearing before the Board on  
July 23, 1993 and all parties had full opportunity to present their  
arguments to the Board. Based upon a review of the record in this  
case, the Board hereby grants Respondents' Motion to Dismiss. The  
Respondents at issue in the subject motion do not fall within the  
definition of public employer of Section 89-2, HRS. The Respon-  
dents are not individuals who represent one of the employers or act  
in their interest in dealing with public employees. The prohibited  
practice complaint as to these individuals is hereby dismissed.

DATED: Honolulu, Hawaii, July 26, 1993.

HAWAII LABOR RELATIONS BOARD

  
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BERT M. TOMASU, Chairperson

  
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SANDRA H. EBESU, Board Member

Copies sent to:

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