

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)
CHARLES R. BUNCH,)
Complainant,)
and)
HAWAII GOVERNMENT EMPLOYEES)
ASSOCIATION, AFSCME, LOCAL)
152, AFL-CIO; JOHN MURAKAMI;)
ALTON K. WATANABE; CHARLES KHIM,)
ESQ.; and DOES 1-20,)
Respondents.)

CASE NO. CU-03-99

ORDER NO. 1070

ORDER CONSOLIDATING CASES FOR
DISPOSITION; NOTICE OF
PREHEARING CONFERENCE AND
HEARING ON PROHIBITED
PRACTICE COMPLAINTS

In the Matter of)
CHARLES R. BUNCH,)
Complainant,)
and)
COUNTY OF MAUI; DEPARTMENT OF)
LIQUOR CONTROL, County of Maui;)
FRANK SILVA, WAYNE PAGAN, and)
GLEN MUKAI, Department of Liquor)
Control, County of Maui;)
CLARENCE CHOW, HERMAN)
NASCIMENTO, MARY CABUSLAY, ELMER)
TOLENTINO, JAMES (MAC) LOWSEN,)
BUDDY FO, HELEN CHRISTMAN,)
WAYNE TAKEHARA, PETE GALICINAO,)
Liquor Control Commissioners;)
JOHN RAPACZ, Deputy Corporation)
Counsel, County of Maui; and)
DOE RESPONDENTS 1-10,)
Respondents.)

CASE NO. CE-03-221

ORDER CONSOLIDATING CASES FOR DISPOSITION;
NOTICE OF PREHEARING CONFERENCE AND
HEARING ON PROHIBITED PRACTICE COMPLAINTS

On March 21, 1994, CHARLES R. BUNCH filed a prohibited
practice complaint with the Hawaii Labor Relations Board (Board)

against the HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO; JOHN MURAKAMI; ALTON K. WATANABE; CHARLES KHIM, ESQ.; and DOES 1-20 (collectively Union Respondents) in Case No. CU-03-99. Complainant alleges that Respondent MURAKAMI restructured BUNCH's duties as an alternate steward. Complainant also alleges that the Board of Directors expelled him from his alternate steward position by letter dated February 24, 1994 after Respondents improperly conducted a hearing on a complaint filed by James D. Lloy.

Complainant further alleges that Respondent MURAKAMI agreed to a proposed rule change by the Liquor Commission which adversely affected him without consulting the membership. Complainant also charges that since September 1992, Respondent WATANABE sought and granted numerous time extensions during the contractual grievance procedure and failed to properly supervise BUNCH in his duties as an alternate steward. WATANABE's failure resulted in complaints being filed against BUNCH.

In addition, Complainant charges that Respondent KHIM presided over a Board of Directors meeting on or about January 22, 1994 in violation of the bargaining unit agreement, the HGEA/AFSCME Charter and by-laws, the Unit 03 by-laws, and contrary to parliamentary procedure. Complainant finally alleges that Respondents breached their duty to fairly and competently represent him.

On April 28, 1994, Complainant also filed a prohibited practice complaint against the COUNTY OF MAUI; DEPARTMENT OF LIQUOR CONTROL; FRANK SILVA, WAYNE PAGAN, GLEN MUKAI; CLARENCE CHOW,

HERMAN NASCIMENTO, MARY CABUSLAY, ELMER TOLENTINO, JAMES (MAC) LOWSEN, BUDDY FO, HELEN CHRISTMAN, WAYNE TAKEHARA, PETE GALICINAO, LIQUOR CONTROL COMMISSIONERS; COUNTY OF MAUI, DEPUTY CORPORATION COUNSEL JOHN RAPACZ, AND DOE RESPONDENTS 1 - 10 (collectively County Respondents) with the Board in Case No. CE-03-221. Complainant alleges that the DEPARTMENT OF LIQUOR CONTROL, through its acting Director, proposed rule changes to the LIQUOR CONTROL COMMISSION which adopted the rule changes which then affected Complainant's employment status in contradiction to the applicable collective bargaining agreement.

Complainant further alleges that the County Respondents conspired with the HGEA to remove Complainant from his position with the County and subsequently, the HGEA. In addition, Complainant alleges that the COUNTY OF MAUI leases office space for the DEPARTMENT OF LIQUOR CONTROL from the HGEA causing an inherent conflict of interest in their dealings.

Complainant alleges that the COUNTY OF MAUI, et al., used coercive tactics to dominate Complainant by conspiring with the Union Respondents. Finally, Complainant alleges that the County Respondents discriminated against him by violating protected terms and conditions of employment contained in the collective bargaining agreement and interfered with his rights guaranteed under Chapters 89, 377, and 378, Hawaii Revised Statutes (HRS).

As these complaints involve substantially the same parties and issues, the Board finds that consolidation of the proceedings would be conducive to the proper dispatch of business and the ends of justice and will not unduly delay the proceedings.

Pursuant to Administrative Rules § 12-42-8(g)(13), these complaints and the proceedings thereon are hereby consolidated for disposition.

YOU ARE HEREBY NOTIFIED that the Board, pursuant to § 89-5(b)(4), HRS, and Administrative Rules § 12-42-47, will conduct a prehearing conference by conference call on the above-entitled prohibited practice complaints on June 9, 1994 at 9:00 a.m. The Board will contact the parties residing on the island of Maui at their respective telephone numbers on file with the Board. The Board requests that counsel for the HGEA appear at the offices of the Board at 550 Halekauwila Street, Room 201, Honolulu, Hawaii 96813 at the time designated for the prehearing conference.

The purpose of the prehearing conference is to arrive at a settlement or clarification of the issues, to identify and exchange witness and exhibit lists, if any, and to the extent possible, reach an agreement on facts, matters or procedures which may facilitate and expedite the hearing or adjudication of the issues presented. The parties shall file a Prehearing Statement with the Board which includes the foregoing matters two days prior to the prehearing conference. If Prehearing Statements have already been filed with the Board, no further filing is required unless the parties wish to supplement their submissions.

YOU ARE ALSO 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 complaint on June 20, 1994 at 9:00 a.m. in Kahului, Maui. The purpose of the hearing is to receive evidence and arguments on whether Respondents


committed prohibited practices as alleged by the Complainant. The hearing may continue from day to day until completed.

At the hearing, the parties shall submit four copies of any exhibits identified and introduced into the record. Additional copies for opposing counsel shall also be provided.

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

DATED: Honolulu, Hawaii, MAY 19, 1994 .

HAWAII LABOR RELATIONS BOARD



BERT M. TOMASU, Chairperson



RUSSELL T. HIGH, Board Member



SANDRA H. EBESU, Board Member

Copies sent to:

Charles R. Bunch
Charles K.Y. Khim, Esq.
Howard Fukushima, Deputy Corporation Counsel
Joyce Najita, IRC