

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

|                              |   |                             |
|------------------------------|---|-----------------------------|
| In the Matter of             | ) | CASE NO. CE-10-236          |
| KENROY R. MAGLOIRE,          | ) | ORDER NO. 1112              |
|                              | ) |                             |
| Complainant,                 | ) | ORDER CONSOLIDATING CASES   |
|                              | ) | FOR DISPOSITION; NOTICE OF  |
| and                          | ) | PREHEARING CONFERENCE AND   |
|                              | ) | HEARING ON PROHIBITED PRAC- |
| DEPARTMENT OF PUBLIC SAFETY, | ) | TICE COMPLAINTS             |
| State of Hawaii,             | ) |                             |
|                              | ) |                             |
| Respondent.                  | ) |                             |

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|--------------------------------|---|--------------------|
| In the Matter of               | ) | CASE NO. CU-10-104 |
| KENROY R. MAGLOIRE,            | ) |                    |
|                                | ) |                    |
| Complainant,                   | ) |                    |
|                                | ) |                    |
| and                            | ) |                    |
|                                | ) |                    |
| UNITED PUBLIC WORKERS, AFSCME, | ) |                    |
| LOCAL 646, AFL-CIO,            | ) |                    |
|                                | ) |                    |
| Respondent.                    | ) |                    |

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

On September 22, 1994 Complainant KENROY R. MAGLOIRE (MAGLOIRE) filed a prohibited practice complaint against the DEPARTMENT OF PUBLIC SAFETY, State of Hawaii (EMPLOYER) in Case No. CE-10-236. MAGLOIRE alleges that he was unjustly terminated. On the same day, MAGLOIRE filed a prohibited practice complaint against the UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW or Union). MAGLOIRE contends, inter alia, that the UPW improperly

refused to take his grievance to arbitration and otherwise failed to represent him.

As the 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.

On October 3, 1994, the UPW filed a motion to dismiss and/or for summary judgment with the Board. The UPW contends that Complainant fails to state a claim for relief as to alleged violations of §§ 89-13(b)(2), (3), and (5), HRS. In addition, with respect to the alleged breach of duty of fair representation, the UPW contends that it properly refused to proceed with arbitration because Complainant's grievance lacked merit and the Union is entitled to judgment as a matter of law.

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 on the above-entitled prohibited practice complaints on October 19, 1994 at 9:00 a.m., in the Board's hearings room, 550 Halekauwila Street, Room 203, Honolulu, Hawaii 96813. 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 addresses the foregoing matters two days prior to the prehearing conference.


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 UPW's motion for summary judgment and if necessary, on the instant complaint on October 28, 1994 at 9:00 a.m. in the above-mentioned hearings room. 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, October 6, 1994 .

HAWAII LABOR RELATIONS BOARD

  
BERT M. TOMASU, Chairperson

  
RUSSELL T. HIGA, Board Member

  
SANDRA H. EBESU, Board Member

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