

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. DR-03-55
LEWIS W. POE,)	ORDER NO. 1181
)	
Petitioner,)	ORDER CONSOLIDATING CASES FOR
)	DISPOSITION; ORDER DENYING
and)	HGEA'S MOTIONS FOR CONTINU-
)	ANCE OF TIME TO FILE PREHEAR-
HAWAII GOVERNMENT EMPLOYEES)	ING MOTIONS
ASSOCIATION, AFSCME, LOCAL 152,)	
AFL-CIO; UNITED PUBLIC WORKERS,)	
AFSCME, LOCAL 646, AFL-CIO; and)	
JOHN D. WAIHEE, III, Governor,)	
State of Hawaii,)	
)	
Intervenors.)	

In the Matter of)	CASE NO. DR-03-56
LEWIS W. POE,)	
)	
Petitioner,)	
)	
and)	
)	
HAWAII GOVERNMENT EMPLOYEES)	
ASSOCIATION, AFSCME, LOCAL 152,)	
AFL-CIO; UNITED PUBLIC WORKERS,)	
AFSCME, LOCAL 646, AFL-CIO; and)	
JOHN D. WAIHEE, III, Governor,)	
State of Hawaii,)	
)	
Intervenors.)	

ORDER CONSOLIDATING CASES FOR DISPOSITION; ORDER DENYING
HGEA'S MOTIONS FOR CONTINUANCE OF TIME TO FILE PREHEARING MOTIONS

On September 30, 1994, LEWIS W. POE (POE) filed a Petition for Declaratory Ruling with the Hawaii Labor Relations Board (Board) which was designated as Case No. DR-03-55. POE alleged that the Unit 03 collective bargaining agreement contains a grievance procedure which may be partially invalid because it

does not comply with the provisions of Chapter 89, Hawaii Revised Statutes (HRS). POE contends that provisions of Step 3 of the grievance procedure do not adequately address the rights of employees who bring their own grievances.

Similarly, on October 20, 1994, POE filed a Petition for Declaratory Ruling with the Board which was designated as Case No. DR-03-56. POE alleged that Step 1 of the Unit 03 grievance procedure requires the Employer's designee to meet with the grievant and the Union notwithstanding an employee's right to pursue his or her own grievance. In addition, the contract provides that any time limits during Step 1 may be extended only by mutual consent of the Union and the Employer. POE alleges that he has a right to grieve alone and the contract provisions interfere with his rights and violate § 89-8(b), HRS.

As the petitions 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), the Board hereby consolidates these petitions for disposition on its own motion.

On March 14, 1994, Intervenor HGEA/AFSCME, by and through its counsel, filed a Motion for Continuance of Time to File Prehearing Motions with the Board. HGEA/AFSCME requested a continuance from February 28, 1995 to May 31, 1995 to file dispositive prehearing motions. Counsel states in a supporting affidavit that he has proposed amendments to the Unit 03 collective bargaining agreement which would hopefully satisfy the concerns of

POE and that this matter should be resolved by settlement rather than compromise.


Thereafter, on March 17, 1994, POE filed Poe's Objection to the Motion/Conduct of the Intervenor HGEA with the Board. POE stated, inter alia, that HGEA failed to file a brief by February 28, 1995 as directed by the Board at the Board conference held on November 16, 1994. POE contends that HGEA chose not to file a brief and now seeks a continuance until May 31, 1995 to file motions with the Board. POE also contends that HGEA has not submitted any good cause justification for failing to file any motions by February 28, 1995. POE also indicated that he is not interested in resolving the matter by a settlement involving possible amendments to the agreement and will not withdraw his petitions.

On March 20, 1995, Employer-Intervenor JOHN D. WAIHEE, III, filed a statement of no objection to HGEA's motion for continuance.

After reviewing the record, the Board finds that HGEA's motion is untimely. In addition, since POE indicated that he is not willing to settle this matter, a continuance for the purpose proposed by HGEA would be fruitless. Based upon the foregoing, the Board hereby denies HGEA's motion to continue time to file prehearing motions.

DATED: Honolulu, Hawaii, April 27, 1995.

HAWAII LABOR RELATIONS BOARD

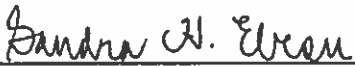


BERT M. TOMASU, Chairperson

LEWIS W. POE and HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME,
LOCAL 152, AFL-CIO; UNITED PUBLIC WORKERS, AFSCME, LOCAL 646; and
JOHN D. WAIHEE, III; CASE NOS.: DR-03-55 and DR-03-56
ORDER NO.: 1181
ORDER CONSOLIDATING CASES FOR DISPOSITION; ORDER DENYING HGEA'S
MOTION FOR CONTINUANCE TO FILE PREHEARING MOTIONS



RUSSELL T. HIGA, Board Member



SANDRA H. EBESU, Board Member

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