

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. 94-6(CU)
SALEEM AHMED,	)	ORDER NO. 1185
)	
Complainant,	)	ORDER CONSOLIDATING CASES
	)	AND GRANTING COMPLAINANT'S
and	)	MOTION TO AMEND UNFAIR LABOR
	)	PRACTICE COMPLAINT; NOTICE OF
AMERICAN FEDERATION OF STATE,	)	DEADLINE FOR FILING RESPONSE
COUNTY AND MUNICIPAL EMPLOYEES,	)	TO AFSCME'S MOTION TO DISMISS
LOCAL 928,	)	FILED ON JANUARY 31, 1995;
	)	NOTICE OF PREHEARING
Respondent.	)	CONFERENCE

In the Matter of	)	CASE NO. 95-1(CE)
SALEEM AHMED,)	
)	
Complainant,)	
)	
and)	
)	
OSWALD K. STENDER, Chairman,)	
Board of Governors, East-West)	
Center and EAST-WEST CENTER,)	
)	
Respondents.)	

ORDER CONSOLIDATING CASES AND GRANTING COMPLAINANT'S
MOTION TO AMEND UNFAIR LABOR PRACTICE COMPLAINT;
NOTICE OF DEADLINE FOR FILING RESPONSE TO AFSCME'S
MOTION TO DISMISS FILED ON JANUARY 31, 1995;
NOTICE OF PREHEARING CONFERENCE

On December 23, 1994, Complainant SALEEM AHMED (AHMED) filed an unfair labor practice complaint with the Hawaii Labor Relations Board (Board) against Respondent AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, LOCAL 928 (AFSCME) in Case No. 94-6(CU). AHMED alleged that AFSCME breached its duty of fair representation and committed numerous violations of Chapter 377,

Hawaii Revised Statutes (HRS), because on October 17, 1994, AFSCME declined to file a grievance on AHMED's behalf against his employer, the EAST-WEST CENTER, for unfair, harassing and discriminatory treatment based upon: (1) an unfair and unequal workload; (2) harassment over specifics of his work plan for the year; (3) denial of his academic freedom; (4) a biased work performance evaluation; and (5) segregation in the workplace.

On January 30, 1995, AHMED filed a second unfair labor practice complaint with the Board against Respondents OSWALD K. STENDER, Chairman, Board of Governors, East-West Center and EAST-WEST CENTER (collectively Employer) in Case No. 95-1(CE). AHMED alleged violations of § 377-6(6), HRS, and certain provisions of the applicable collective bargaining agreement because the Employer allegedly took disciplinary action against him without cause.

In his second complaint, AHMED alleged, inter alia, that the Employer: (1) gave him an unfair and unequal workload; (2) evaluated his performance in a biased manner; (3) harassed him over the specifics of his annual work plan; and (4) denied him academic freedom. Specifically, AHMED alleged that on November 30, 1994, his supervisor, Terry Rambo, gave him what amounts to a "less than satisfactory" performance evaluation. In addition, AHMED alleged that because he has been directed to complete a book manuscript by June 30, 1995, his unfair and unequal workload initiated by Vice President Bruce Koppel on January 24, 1994, continues in force.

Upon review of AHMED's unfair labor practice complaints, the Board finds that they involve substantially the same issues. Moreover, the Board finds that consolidation of these proceedings would be conducive to the proper dispatch of business and will not unduly delay the proceedings. Accordingly, the Board hereby consolidates the instant unfair labor practice complaints for disposition on its own motion.

On February 8, 1995, AHMED filed a Motion to Amend Unfair Labor Practice Complaint with the Board in Case No. 94-6(CU). AHMED seeks to include an additional violation of § 377-6(6), HRS, which he alleges AFSCME committed subsequent to the filing of his original complaint on December 23, 1994. Specifically, AHMED seeks to include an allegation that on January 19, 1995, AFSCME declined to file a grievance against the Employer regarding his performance evaluation for 1994.

Respondent AFSCME did not file any opposition to AHMED's motion to amend his complaint. However, AFSCME addressed the issue of AHMED's 1994 performance evaluation in its Motion to Dismiss filed with the Board on January 31, 1995. Accordingly, the Board hereby grants AHMED's motion to amend his unfair labor practice complaint pursuant to Administrative Rules § 12-41-10.

Complainant shall file his Amended Unfair Labor Practice Complaint with the Board no later than 4:30 p.m. on May 16, 1995. The Board will thereafter serve a copy of the Amended Complaint upon the parties.

In addition, by Order No. 1149, Order Granting Complainant's Request to Postpone Hearing on Motion to Dismiss,


dated February 8, 1995, the Board continued Complainant's deadline for filing a response to AFSCME's Motion to Dismiss filed on January 31, 1995 until further notice due to AHMED's medical condition. However, by letter dated April 12, 1995, AHMED requested that the Board resume his case any time after May 12, 1995. Accordingly, the Board hereby notifies Complainant that any response to AFSCME's Motion to Dismiss filed on January 31, 1995 shall be filed with the Board no later than 4:30 p.m. on May 23, 1995.

YOU ARE HEREBY NOTIFIED that the Board will conduct a prehearing conference on the above-entitled unfair labor practice complaints on June 14, 1995 at 9:00 a.m. in the Board's hearings room, Room 203, 550 Halekauwila Street, Honolulu, Hawaii. The purpose of the prehearing conference is to arrive at a settlement or clarification of 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 will facilitate and expedite the hearing or adjudication of the issues presented.

The parties shall file a Prehearing Statement or Amended Prehearing Statement, if necessary, with proof of service upon opposing parties, which addresses the foregoing matters with the Board two days prior to the prehearing conference.

DATED: Honolulu, Hawaii, May 4, 1995.

HAWAII LABOR RELATIONS BOARD



BERT M. TOMASU, Chairperson


SALEEM AHMED v. AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL
EMPLOYEES, LOCAL 928; SALEEM AHMED v. OSWALD K. STENDER,
Chairman, Board of Governors, East-West Center and EAST-WEST
CENTER; CASE NOS.: 94-6(CU) and 95-1(CE)

ORDER NO. 1185

ORDER CONSOLIDATING CASES AND GRANTING COMPLAINANT'S MOTION TO
AMEND UNFAIR LABOR PRACTICE COMPLAINT; NOTICE OF DEADLINE FOR
FILING RESPONSE TO AFSCME'S MOTION TO DISMISS FILED ON JANUARY
31, 1995; NOTICE OF PREHEARING CONFERENCE



RUSSELL T. HIGA, Board Member



SANDRA H. EBESU, Board Member

Copies sent to:

Saleem Ahmed
Dennis W.S. Chang, Esq.
Cynthia Winegar, Esq.
Joyce Najita, IRC