

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CE-12-271
FRANK GONZALEZ, III,)	ORDER NO. 1247
Complainant,)	ORDER CONSOLIDATING CASES
and)	FOR DISPOSITION; NOTICE OF
MAUI POLICE DEPARTMENT,)	PREHEARING CONFERENCE AND
County of Maui,)	HEARING ON PROHIBITED PRACTICE COMPLAINTS
Respondent.)	

In the Matter of)	CASE NO. CU-12-111
FRANK GONZALEZ, III,)	
Complainant,)	
and)	
STATE OF HAWAII ORGANIZATION OF)	
POLICE OFFICERS (SHOPO),)	
Respondent.)	

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

On October 2, 1995, Complainant FRANK GONZALEZ, III, filed a prohibited practice complaint against the MAUI POLICE DEPARTMENT, County of Maui (MPD) with the Hawaii Labor Relations Board (Board). GONZALEZ alleged that the MPD wrongly found that he was guilty of violating various Departmental Rules and Regulations. On the same day, GONZALEZ alleged that the STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS (SHOPO) refused to represent GONZALEZ at Step IV of the applicable grievance procedure.

GONZALEZ contends that SHOPO initially indicated that he could retain a private attorney to represent him at arbitration but later refused to permit GONZALEZ to pursue his case to arbitration.

Thus, it appears that the complaint against the MPD arises from a disciplinary action and GONZALEZ' complaint against SHOPO arises from its alleged failure to represent him at the arbitration of the discipline. 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.

YOU ARE HEREBY NOTIFIED that the Board, pursuant to § 89-5(b)(4), Hawaii Revised Statutes (HRS) and Administrative Rules § 12-42-47, will conduct a prehearing conference on the above-entitled prohibited practice complaints on November 1, 1995 at 9:00 a.m., by conference call. Complainant's counsel and counsel for Respondent SHOPO are requested to appear at the Board's offices, Room 201, 550 Halekauwila Street, Honolulu, Hawaii 96813. Counsel for Respondent MPD will be contacted at his telephone number on file with the Board. 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.

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 November 8, 1995 at 9:30 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 25, 1995.

HAWAII LABOR RELATIONS BOARD



RUSSELL T. HIGA, Board Member



SANDRA H. EBESU, Board Member

Copies sent to:

Eric A. Seitz, Esq.
David Gierlach, Esq.
Howard M. Fukushima, Deputy Corporation Counsel
Joyce Najita, IRC