

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)

UNITED PUBLIC WORKERS, AFSCME,)
LOCAL 646, AFL-CIO,)

Complainant,)

and)

STEPHEN YAMASHIRO, Mayor,)
County of Hawaii and MICHAEL R.)
BEN, Director, Department of)
Civil Service, County of Hawaii,)

Respondents.)

CASE NO. CE-01-260

ORDER NO. 1266

ORDER CONSOLIDATING CASES
FOR DISPOSITION; NOTICE OF
HEARING ON PROHIBITED PRAC-
TICE COMPLAINTS

In the Matter of)

UNITED PUBLIC WORKERS, AFSCME,)
LOCAL 646, AFL-CIO,)

Complainant,)

and)

BENJAMIN J. CAYETANO, Governor,)
State of Hawaii; JAMES TAKUSHI,)
Director, Department of Human)
Resources Development, State of)
Hawaii; LINDA CROCKETT LINGLE,)
Mayor, County of Maui; RAYMOND)
KOKUBUN, Director, Department of)
Personnel Services, County of)
Maui; STEPHEN YAMASHIRO, Mayor,)
County of Hawaii and MICHAEL R.)
BEN, Director, Department of)
Personnel Services, County of)
of Hawaii,)

Respondents.)

CASE NO. CE-10-273

In the Matter of)

UNITED PUBLIC WORKERS, AFSCME,)
LOCAL 646, AFL-CIO,)

Complainant,)

CASE NO. CE-01-274

and)
)
)
 BENJAMIN J. CAYETANO, Governor,)
 State of Hawaii; JAMES TAKUSHI,)
 Director, Department of Human)
 Resources Development, State of)
 Hawaii; LINDA CROCKETT LINGLE,)
 Mayor, County of Maui; RAYMOND)
 KOKUBUN, Director, Department of)
 Personnel Services, County of)
 Maui; STEPHEN YAMASHIRO, Mayor,)
 County of Hawaii and MICHAEL R.)
 BEN, Director, Department of)
 Personnel Services, County of)
 of Hawaii,)
)
 Respondents.)
)

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

On November 16, 1995, Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW or Union) filed a motion to consolidate Case No. CE-01-260 with Case Nos. CE-10-273 and CE-01-274, which were previously consolidated by the Board in Order No. 1264 issued on November 17, 1995. Counsel for Complainant states in an affidavit filed in support of the motion that the parties and issues involved in the cases are substantially the same and that consolidation of the three cases would be appropriate.

In Case No. CE-01-260 filed on July 31, 1995, the UPW contended that the County of Hawaii was engaged in multi-employer bargaining over the subject of drug testing for Units 01 and 10 employees. The UPW contended that on or about June 21, 1995, Respondent MICHAEL R. BEN (BEN), Director of Civil Service, County of Hawaii informed the UPW that Hawaii County would unilaterally proceed with testing in spite of the absence of a multi-employer

agreement. Thereafter, on July 11, 1995, Hawaii County announced that it would proceed with the implementation of an alcohol and drug testing program. The UPW therefore contends that Respondents STEPHEN YAMASHIRO, Mayor of the County of Hawaii and BEN violated §§ 89-13(a)(1), (5) and (7), Hawaii Revised Statutes (HRS).

In Case Nos. CE-10-273 and CE-01-274, the UPW contended that the public employers and the respective Personnel Directors, representing the State of Hawaii, the County of Maui and the County of Hawaii, respectively, violated §§ 89-13(a)(1), (5), and (7), HRS, by refusing to provide relevant information requested by the Union. The UPW further contended that the employers unlawfully refused to cease and desist from unilaterally implementing policies and programs in areas requiring bargaining in connection with drug and alcohol testing required by federal law and regulations.

After reviewing the complaints filed in these cases, the Board finds that the complaints involve substantially the same parties and issues. The Board further 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) and 89-14, HRS and Administrative Rules §§ 12-42-49 and 12-42-8(g), will conduct a hearing on the prohibited practice complaints on November 24, 1995 at 9:00 a.m. in the Board's hearings room, Room 203, 550 Halekauwila Street, Honolulu, Hawaii

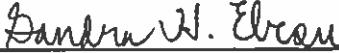
96813. Appropriate provisions of the hearing notices issued on August 11, 1995 and November 1, 1995 remain applicable.

DATED: Honolulu, Hawaii, November 22, 1995.

HAWAII LABOR RELATIONS BOARD



RUSSELL T. HIGA, Board Member



SANDRA H. EBESU, Board Member

Copies sent to:

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