

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CE-03-283
LEWIS W. POE,)	ORDER NO. 1272
)	
Complainant,)	ORDER GRANTING POE'S
)	REQUEST FOR A HEARING;
and)	NOTICE OF PREHEARING
)	CONFERENCE AND HEARING
BENJAMIN J. CAYETANO, Governor,)	ON PROHIBITED PRACTICE
State of Hawaii,)	COMPLAINT
)	
Respondent.)	

ORDER GRANTING POE'S REQUEST FOR A HEARING;
NOTICE OF PREHEARING CONFERENCE
AND HEARING ON PROHIBITED PRACTICE COMPLAINT

On November 28, 1995, Complainant LEWIS W. POE (POE) filed a prohibited practice complaint against BENJAMIN J. CAYETANO, Governor, State of Hawaii (Employer) with the Hawaii Labor Relations Board (Board). POE alleges that Respondent CAYETANO, by and through his agents, denied POE's claim for meal compensation. POE alleges that he filed a grievance on the denial of meal compensation and contends that the Employer violated Article 11 of the applicable collective bargaining agreement in the handling of his grievance. POE contends that he exhausted his contractual remedies and contends further that the Employer violated the contractual provisions regarding meal compensation. POE thus contends that the Employer violated § 89-13(a)(8), Hawaii Revised Statutes (HRS).

Thereafter, on December 18, 1995, POE filed a formal request for a hearing on or before January 7, 1996 with the Board.

POE also suggested that the Board proceed directly to a hearing on the merits rather than hold a prior prehearing conference.

After reviewing the record and POE's request, the Board finds that POE has not presented any compelling reason why a prehearing conference is unnecessary in this case. Thus, the Board will conduct a prehearing conference in this matter to clarify the issues.

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 complaint on December 28, 1995 at 8:30 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 which addresses the foregoing matters with the Board 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 January 5, 1996 at 9:00 a.m. in the above-mentioned hearings room. The purpose of the hearing is to receive evidence and arguments on whether Respondent committed prohibited practices as alleged by the Complainant. The hearing may continue from day to day until completed.

The parties shall submit four copies of any exhibits to the Board. Additional copies of the exhibits shall be provided to opposing counsel.

All parties have the right to appear in person and to be represented by counsel or other representative.

DATED: Honolulu, Hawaii, December 21, 1995.


HAWAII LABOR RELATIONS BOARD



BERT M. TOMASU, Chairperson



RUSSELL T. HIGA, Board Member



SANDRA H. EBESU, Board Member

Copies sent to:

Lewis W. Poe
James E. Halvorson, Deputy Attorney General
Joyce Najita, IRC