

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)
)
UNITED PUBLIC WORKERS, AFSCME,)
LOCAL 646, AFL-CIO,)
)
Complainant,)
)
and)
)
BENJAMIN J. CAYETANO, Governor,)
State of Hawaii and JAMES)
TAKUSHI, Director, Department of)
Human Resources Development,)
)
Respondents.)

CASE NO. CE-10-306

ORDER NO. 1349

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

In the Matter of)
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UNITED PUBLIC WORKERS, AFSCME,)
LOCAL 646, AFL-CIO,)
)
Complainant,)
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and)
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BENJAMIN J. CAYETANO, Governor,)
State of Hawaii and JAMES)
TAKUSHI, Director, Department of)
Human Resources Development,)
)
Respondents.)

CASE NO. CE-01-307

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

On July 1, 1996, Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW or Union) filed a prohibited practice complaint against BENJAMIN J. CAYETANO, Governor, State of Hawaii and JAMES TAKUSHI, Director, Department of Human Resources Development (collectively Employers or Respondents) with the Hawaii

Labor Relations Board (Board) in Case No. CE-10-306. Complainant alleges that on or about June 1, 1996 and continuously thereafter, Respondents have unilaterally promulgated a new performance appraisal system (PAS) for bargaining unit 10 employees. Complainant contends that the new PAS system modifies, changes, and amends the prohibition against monitoring, counseling, and otherwise disciplining employees for the legitimate use of sick leave benefits and entitlements in violation of contract provisions, awards and court orders. Complainant also alleges that on or about June 21, 1996, Respondents wilfully refused to bargain with the UPW over these changes in terms and conditions of employment. Complainant contends that Respondents therefore committed prohibited practices within the meaning of §§ 89-13(a)(1), (5), (7), and (8), Hawaii Revised Statutes (HRS).

In addition, on July 1, 1996, Complainant UPW filed a similar prohibited practice complaint against Respondents with the Board in Case No. CE-01-307 regarding bargaining unit 01 employees.

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. Thus, the Board on its own motion, pursuant to Administrative Rules § 12-42-8(g)(13), hereby consolidates for disposition these complaints and the proceedings thereon.

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 complaints on August 2, 1996 at 9:30 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 August 12, 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 Respondents committed the 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 identified and introduced into the record to the Board. 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.

UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO v. BENJAMIN J. CAYETANO, Governor, State of Hawaii, et al.; CASE NOS. CE-10-306, CE-01-307

ORDER NO. 1349


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

DATED: Honolulu, Hawaii, July 17, 1996.

HAWAII LABOR RELATIONS BOARD



RUSSELL T. HIGA, Board Member



SANDRA H. EBESU, Board Member

Copies sent to:

Herbert R. Takahashi, UPW
James E. Halvorson, Deputy Attorney General
Joyce Najita, IRC