

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)
)
UNITED PUBLIC WORKERS, AFSCME,)
LOCAL 646, AFL-CIO,)
)
Complainant,)
)
and)
)
LINDA CROCKETT LINGLE, Mayor,)
County of Maui; RAYMOND KOKUBUN,)
Director of Personnel Services,)
County of Maui; STEPHEN)
YAMASHIRO, Mayor, County of)
Hawaii; MICHAEL R. BEN, Director)
of Personnel Services, County of)
Hawaii; MARYANNE KUSAKA, Mayor,)
County of Kauai and ALLAN)
TANIGAWA, Director of Personnel)
Services, County of Kauai,)
)
Respondents.)

CASE NO. CE-01-324
ORDER NO. 1385
ORDER APPROVING WITHDRAWAL OF
COMPLAINTS WITHOUT PREJUDICE
AS TO RESPONDENTS JEREMY
HARRIS AND CYNTHIA BOND AND
CONSOLIDATING CASES; NOTICE
OF PREHEARING CONFERENCE AND
HEARING ON PROHIBITED PRAC-
TICE COMPLAINTS

In the Matter of)
)
UNITED PUBLIC WORKERS, AFSCME,)
LOCAL 646, AFL-CIO,)
)
Complainant,)
)
and)
)
LINDA CROCKETT LINGLE, Mayor,)
County of Maui; RAYMOND KOKUBUN,)
Director of Personnel Services,)
County of Maui; STEPHEN)
YAMASHIRO, Mayor, County of)
Hawaii; MICHAEL R. BEN, Director)
of Personnel Services, County of)
Hawaii; MARYANNE KUSAKA, Mayor,)
County of Kauai and ALLAN)
TANIGAWA, Director of Personnel)
Services, County of Kauai,)
)
Respondents.)

CASE NO. CE-10-325

ORDER APPROVING WITHDRAWAL OF COMPLAINTS WITHOUT PREJUDICE
AS TO RESPONDENTS JEREMY HARRIS AND CYNTHIA BOND
AND CONSOLIDATING CASES; NOTICE OF PREHEARING
CONFERENCE AND HEARING ON PROHIBITED PRACTICE COMPLAINTS

On November 27, 1996, the UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) filed a prohibited practice complaint on behalf of bargaining unit 01 members against Respondents JEREMY HARRIS, Mayor, City and County of Honolulu; CYNTHIA BOND, Director of Personnel, City and County of Honolulu; LINDA CROCKETT LINGLE, Mayor, County of Maui; RAYMOND KOKUBUN, Director of Personnel Services, County of Maui; STEPHEN YAMASHIRO, Mayor, County of Hawaii; MICHAEL BEN, Director of Personnel Services, County of Hawaii; MARYANNE KUSAKA, Mayor, County of Kauai and ALLAN TANIGAWA, Director of Personnel Services, County of Kauai (collectively Employers or Respondents) with the Hawaii Labor Relations Board (Board) in Case No. CE-01-324. Complainant alleges that on or about October 15, 1996, the UPW and the Respondents reached an agreement entitled Memorandum of Agreement on Commercial Motor Vehicle Alcohol and Controlled Substance Testing and the agreement was signed by the respective spokespersons representing the Employers and the UPW. Respondents thereafter failed or refused to execute the agreement. The UPW contends that the Respondents thereby refused to bargain in good faith in violation of §§ 89-13(a)(1), (5) and (7), Hawaii Revised Statutes (HRS).

Also on that date, the UPW filed a similar complaint against the above-named Respondents on behalf of bargaining unit 10 in Case No. CE-10-325 with the Board.

As the complaints involve 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), the Board hereby consolidates the complaints and their proceedings for disposition.

On November 27, 1996, the UPW filed a notice of withdrawal of complaint without prejudice as to Respondents HARRIS and BOND with the Board.

Based upon the foregoing, the Board hereby grants the withdrawal of the instant complaints as against Respondents HARRIS and BOND without prejudice.

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 December 13, 1996 at 9:00 a.m. in the Board's hearings room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii. 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 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 December 26, 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 prohibited practices as alleged by the Complainant. The hearing may continue from day to day until completed.

The parties shall submit four copies of all 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.

DATED: Honolulu, Hawaii, December 3, 1996.

HAWAII LABOR RELATIONS BOARD



BERT M. TOMASU, Chairperson



RUSSELL T. HIGA, Board Member



SANDRA H. EBESU, Board Member

Copies sent to:

Herbert R. Takahashi, Esq.
Nelson B. Befitel, Deputy Corporation Counsel
Ivan M. Torigoe, Deputy Corporation Counsel
Diane T. Kawauchi, Deputy Corporation Counsel
Margaret Hanson, Deputy County Attorney
Joyce Najita, IRC