

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of )  
ROBERT SOMERA, )  
Complainant, )  
and )  
HALAWA CORRECTIONAL FACILITY, )  
Department of Public Safety, )  
State of Hawaii, )  
Respondent. )

CASE NO. CE-01-372  
ORDER NO. 1558  
ORDER CONSOLIDATING CASES  
FOR DISPOSITION; NOTICE OF  
HEARING ON UPW'S MOTION TO  
DISMISS COMPLAINT; AND NOTICE  
OF PREHEARING CONFERENCE AND  
HEARING ON PROHIBITED PRACTICE COMPLAINTS

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In the Matter of )  
ROBERT SOMERA, )  
Complainant, )  
and )  
DEPARTMENT OF PUBLIC SAFETY, )  
State of Hawaii and NAOMI KODAMA, )  
Fiscal Services Officer, Depart- )  
ment of Public Safety, State of )  
Hawaii, )  
Respondents. )

CASE NO. CE-01-373

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In the Matter of )  
ROBERT SOMERA, )  
Complainant, )  
and )  
UNITED PUBLIC WORKERS, AFSCME, )  
LOCAL 646, AFL-CIO, )  
Respondent. )

CASE NO. CU-01-136

ORDER CONSOLIDATING CASES FOR DISPOSITION;  
NOTICE OF HEARING UPW'S MOTION TO DISMISS  
COMPLAINT; AND NOTICE OF PREHEARING CONFERENCE  
AND HEARING ON PROHIBITED PRACTICE COMPLAINTS

On November 4, 1997, Complainant ROBERT SOMERA (SOMERA) filed a prohibited practice complaint against Respondent HALAWA CORRECTIONAL FACILITY, Department of Public Safety, State of Hawaii (HALAWA) with the Hawaii Labor Relations Board (Board). Complainant alleged, *inter alia*, that he charged certain Adult Corrections Officers (ACOs) with lying and providing false statements against him resulting in his suspension and no action was taken on his complaint.

Also on November 4, 1997, SOMERA filed a prohibited practice complaint against the DEPARTMENT OF PUBLIC SAFETY, State of Hawaii and NAOMI KODAMA, Fiscal Services Officer, Department of Public Safety, State of Hawaii (collectively KODAMA) with the Board. SOMERA contends that KODAMA discriminated against him by not scheduling him for work at another facility when he was suspended from work at HALAWA. SOMERA alleges that false charges were made against him and that he received backpay for the improper suspensions.

In addition, on November 4, 1997 SOMERA filed a prohibited practice complaint against the UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) with the Board. Complainant alleged that the UPW failed to file a grievance against ACOs for lying and against HALAWA for not following the Standards of Conduct.

Thereafter, on November 10, 1997, the UPW, by and through its counsel, filed a motion to dismiss complaint with the Board.

The UPW contends that the complaint fails to state a claim for relief, the complaint is untimely, and Complainant lacks standing to bring a complaint directed at other members of the bargaining unit. On November 17, 1997, SOMERA filed a response to UPW's motion to dismiss complaint with the Board.

As these 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), the Board hereby consolidates these complaints and the proceedings thereon for disposition.

YOU ARE HEREBY NOTIFIED that the Board, pursuant to § 89-5(b)(4), Hawaii Revised Statutes (HRS), and Administrative Rules § 12-42-8(g), will conduct a hearing on the UPW's motion to dismiss complaint on December 4, 1997 at 10:00 a.m. in the Board's hearings room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.

YOU ARE ALSO 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 4, 1997 at 10:15 a.m., in the Board's hearings room. 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 FURTHER 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 complaints on December 16, 1997 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 to the Board four copies of all exhibits identified and offered 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.

Auxiliary aids and services are available upon request, call Dolorita Kato at 586-8610, (808) 586-8847 (TTY), or 1-888-569-6859 (TTY neighbor islands). A request for reasonable accommodations should be made no later than ten working days prior to the needed accommodations.

DATED: Honolulu, Hawaii, November 21, 1997.

HAWAII LABOR RELATIONS BOARD

  
BERT M. TOMASU, Chairperson

  
RUSSELL T. HIGA, Board Member

ROBERT SOMERA v. HALAWA CORRECTIONAL FACILITY, Department of Public Safety, State of Hawaii; CASE NO. CE-01-372; ROBERT SOMERA v. DEPARTMENT OF PUBLIC SAFETY, State of Hawaii, et al; CASE NO. CE-01-373; ROBERT SOMERA v. UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO; CASE NO. CU-01-136

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CHESTER C. KUNITAKE, Board Member

Copies sent to:

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