

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)
)
UNITED PUBLIC WORKERS, AFSCME,)
LOCAL 646, AFL-CIO,)
)
Complainant,)
)
and)
)
LINDA LINGLE, Mayor, County of)
Maui; RAYMOND KOKUBUN, Director,)
Department of Personnel, County)
of Maui; and HENRY OLIVA,)
Director of Parks and Recre-)
ation, County of Maui,)
)
Respondents.)

CASE NO. CE-01-405

ORDER NO. 1663

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

In the Matter of)
)
UNITED PUBLIC WORKERS, AFSCME,)
LOCAL 646, AFL-CIO,)
)
Complainant,)
)
and)
)
JEREMY HARRIS, Mayor, City and)
County of Honolulu; SANDRA)
EBESU, Director, Department of)
Personnel, City and County of)
Honolulu; JONATHAN K. SHIMADA,)
Director, Department of Facil-)
ity Maintenance, City and)
County of Honolulu; and)
KENNETH E. SPRAGUE, Director,)
Department of Environmental)
Services, City and County)
of Honolulu,)
)
Respondents.)

CASE NO. CE-01-406

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

On August 14, 1998, Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW), by and through its counsel, filed a prohibited practice complaint against Respondents LINDA LINGLE, Mayor, County of Maui; RAYMOND KOKUBUN, Director, Department of Personnel, County of Maui; and HENRY OLIVA, Director of Parks and Recreation, County of Maui (collectively Maui County) with the Hawaii Labor Relations Board (Board) in Case No. CE-01-405. Complainant contends that on or about June 4, 1998, Respondents unlawfully denied a request for paid leave to attend a meeting of the Unit 01 executive negotiating committee submitted by Harold Moniz, a committee member. Complainant contends that Respondents thereby violated § 89-8(c), Hawaii Revised Statutes (HRS) and §§ 89-13(a)(1), (a)(3), and (a)(7), HRS.

Also on August 14, 1998, Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW), by and through its counsel, filed a prohibited practice complaint against JEREMY HARRIS, Mayor, City and County of Honolulu; SANDRA EBESU, Director, Department of Personnel, City and County of Honolulu; JONATHAN K. SHIMADA, Director, Department of Facility Maintenance, City and County of Honolulu; and KENNETH E. SPRAGUE, Director, Department of Environmental Services, City and County of Honolulu (collectively City) with the Board in Case No. CE-01-406. Complainant contends that the City Respondents denied requests for paid leave to attend a Unit 01 executive negotiating committee meeting submitted by Darryle Makepa, Ronald Yamanaka, Joseph Rodrigues and

Andrew Kauanoë, members of the committee. Complainant contends that Respondents thereby violated §§ 89-8(c), 89-13(a)(1), (a)(3), and (a)(7), HRS.

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), HRS, and Administrative Rules § 12-42-47, will conduct a prehearing conference on the above-entitled prohibited practice complaints on September 15, 1998 at 9:00 a.m. by conference call. Counsel for Maui County will be contacted at his telephone number on file with the Board. Counsel for the UPW and the City are requested to appear in the Board's hearings room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii, at the designated time. 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 September 24, 1998 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.

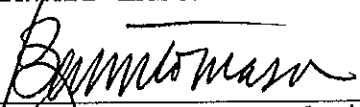
The parties shall submit to the Board four copies of all exhibits identified and offered into the record. Additional copies for opposing counsel shall also be provided.

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 Mrs. 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 accommodation.

DATED: Honolulu, Hawaii, September 1, 1998.

HAWAII LABOR RELATIONS BOARD


BERT M. TOMASU, Chairperson


RUSSELL T. HIGA, Board Member


CHESTER C. KUNITAKE, Board Member

Copies sent to:

Herbert R. Takahashi, Esq.
Tom Pierce, Deputy Corporation Counsel
T. Lowell Wolf, Deputy Corporation Counsel
Joyce Najita, IRC