

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)

KEITH J. KOHL,)

Complainant,)

and)

RUSSELL OKATA, RANDY PERREIRA,)
and WAYLEN TOMA, Hawaii Govern-)
ment Employees Association,)
Local 152, AFSCME, AFL-CIO,)

Respondents.)

CASE NO. CU-13-142

ORDER NO. 1797

ORDER CONSOLIDATING CASES
FOR DISPOSITION; NOTICE OF
PREHEARING CONFERENCE AND
HEARING ON PROHIBITED PRAC-
TICE COMPLAINTS

In the Matter of)

KEITH J. KOHL,)

Complainant,)

and)

JAMES TAKUSHI, Director, Depart-)
ment of Human Resources Develop-)
ment, State of Hawaii and KEITH)
KANESHIRO, Director, Department)
of Public Safety, State of)
Hawaii,)

Respondents.)

CASE NO. CE-13-392

In the Matter of)

KEITH J. KOHL,)

Complainant,)

and)

RUSSELL OKATA, RANDY PERREIRA,)
and WAYLEN TOMA, Hawaii Govern-)
ment Employees Association,)
Local 152, AFSCME, AFL-CIO,)

Respondents.)

CASE NO. CU-13-143

In the Matter of

CASE NO. CE-13-395

KEITH J. KOHL,

Complainant,

and

JAMES TAKUSHI, Director, Department of Human Resources Development, State of Hawaii and KEITH KANESHIRO, Director, Department of Public Safety, State of Hawaii,

Respondents.

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

On April 24, 1998, KEITH J. KOHL (KOHL) filed a complaint against RUSSELL OKATA, RANDY PERREIRA, and WAYLEN TOMA, Hawaii Government Employees Association, AFSCME, LOCAL 152, AFL-CIO (collectively HGEA or Union) with the Hawaii Labor Relations Board (Board) in Case No. CU-13-142. KOHL alleges that the Respondents breached their duty to fairly represent him in his termination grievance. KOHL contends that Respondents violated §§ 89-13(b)(1), (2), (3), (4), and (5), Hawaii Revised Statutes (HRS).

Also on that date, KOHL filed a similar complaint against JAMES TAKUSHI, Director, Department of Human Resources Development, State of Hawaii and KEITH KANESHIRO, Director, Department of Public Safety, State of Hawaii (collectively State or Employer) with the Board in Case No. CE-13-392. KOHL alleges that the State violated §§ 89-13(a)(1), (2), (3), (4), (5), (6), (7), and (8), HRS, with respect to his termination grievance. In the particularization of

his complaint filed with the Board on June 10, 1998, Complainant alleges that the issues in his termination grievance include the failure to provide vocational rehabilitation or suitable job placement, unjust discipline, and a violation of the maintenance of rights and benefits. Complainant also contends that the Employer violated various provisions of the contract and § 386-142, HRS.

Thereafter on May 8, 1998, KOHL filed another complaint against the HGEA with the Board again alleging that the HGEA violated its duty to represent KOHL in his termination grievance in Case No. CU-13-143. KOHL alleges that the HGEA failed to represent him where the Employer violated various provisions of the Unit 13 contract, personnel rules, and statutes.

Also on May 8, 1998, KOHL filed a similar complaint against the State with the Board contending that the State violated various contract provisions, personnel rules, and statutes in terminating him from employment in Case No. CE-13-395.

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 complaint on October 28, 1999 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 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 November 29, 1999 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.


KEITH J. KOHL and RUSSELL OKATA, RANDY PERREIRA, and WAYLEN TOMA, Hawaii Government Employees Association, Local 152, AFSCME, AFL-CIO, CASE NO. CU-13-142; KEITH J. KOHL and JAMES TAKUSHI, Director, Department of Human Resources Development, State of Hawaii, et al.; CASE NO. CE-13-392; KEITH J. KOHL AND RUSSELL OKATA, RANDY PERREIRA, and WAYLEN TOMA, Hawaii Government Employees Association, Local 152, AFSCME, AFL-CIO, CASE NO. CU-13-143; KEITH J. KOHL and JAMES TAKUSHI, Director, Department of Human Resources Development, State of Hawaii; et al.; CASE NO. CE-13-395

ORDER NO. 1797

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

DATED: Honolulu, Hawaii, October 4, 1999.

HAWAII LABOR RELATIONS BOARD



BERT M. TOMASU, Chairperson



RUSSELL T. HIGA, Board Member



CHESTER C. KUNITAKE, Board Member

Copies sent to:

Keith J. Kohl
Peter Liholiho Trask, Esq.
Kris N. Nakagawa, Deputy Attorney General
Joyce Najita, IRC