

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; STEPHEN K. YAMASHIRO,
Mayor, County of Hawaii; MARYANNE
KUSAKA, Mayor, County of Kauai; and
JEREMY HARRIS, Mayor, City and County of
Honolulu,

Respondents.

CASE NO. CE-01-454

ORDER NO. 1960

ORDER APPOINTING HEARINGS
OFFICER; NOTICE OF PREHEAR-
ING CONFERENCE AND HEAR-
ING ON PROHIBITED PRACTICE
COMPLAINT

ORDER APPOINTING HEARINGS OFFICER; NOTICE OF PREHEARING
CONFERENCE AND HEARING ON PROHIBITED PRACTICE COMPLAINT

On November 6, 2000, the UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) filed a prohibited practice complaint against Respondents BENJAMIN J. CAYETANO, Governor, State of Hawaii, STEPHEN YAMASHIRO, Mayor, County of Hawaii, MARYANNE KUSAKA, Mayor, County of Kauai, and JEREMY HARRIS, Mayor, City and County of Honolulu with the Hawaii Labor Relations Board (Board). The UPW alleges that while the UPW has neither authorized nor given a notice of a strike in bargaining unit 01 which presents an imminent or present danger to the health or safety of the public, the Respondents have prematurely filed various Petitions Relating to Strike Occurring or Strike About to Occur Endangering Public Health or Safety commencing on and after November 1, 2000. The UPW contends that the petitions do not identify "essential employees" who are engaged in safety or health related duties as required by statutes and rules and the petitions were intended to interfere with the rights of public employees to engage in protected concerted activity. The UPW further contends that Respondents have failed or refused to comply with Hawaii Revised Statutes (HRS) § 89-12(c) since no strike endangering the public's health or safety is about to occur or is in progress and will also interfere with the process of good faith bargaining contemplated during the 60-day cooling off period. The UPW thus contends that Respondents violated HRS §§ 89-13(a)(1) and (7).

Pursuant to HRS § 89-5, the Board hereby appoints Valri Lei Kunimoto to serve as the hearings officer in this case.

NOTICE IS HEREBY GIVEN that the hearings officer, pursuant to HRS §§ 89-5(b)(4) and (5) and Hawaii Administrative Rules (HAR) § 12-42-47, will conduct a prehearing conference on the above-entitled prohibited practice complaint on December 5, 2000 at 9:30 a.m., in the Labor and Industrial Relations Appeals Board's hearing room, Room 404, 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 hearings officer two days prior to the prehearing conference.

NOTICE IS ALSO GIVEN that the hearings officer 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 12, 2000 at 9:30 a.m., in the hearing room of the Enforcement Division, Appeals Branch, Room 334, 830 Punchbowl Street, Honolulu, Hawaii. 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 hearings officer 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 (808) 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, November 21, 2000.

HAWAII LABOR RELATIONS BOARD



BRIAN K. NAKAMURA, Chair

UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO and BENJAMIN J.
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CHESTER C. KUNITAKE, Member



KATHLEEN RACUYA-MARKRICH, Member

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