

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)
UNIVERSITY OF HAWAII PROFESSIONAL)
ASSEMBLY,)
Complainant,)
and)
BOARD OF REGENTS, University of Hawaii,)
State of Hawaii,)
Respondent.)

CASE NO. CE-07-461
ORDER NO. 1984
ORDER CONSOLIDATING CASES
FOR DISPOSITION; NOTICE OF
PREHEARING CONFERENCE AND
HEARING ON PROHIBITED PRACTICE COMPLAINTS

In the Matter of)
UNIVERSITY OF HAWAII PROFESSIONAL)
ASSEMBLY,)
Complainant,)
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BOARD OF REGENTS, University of Hawaii,)
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CASE NO. CE-07-462

In the Matter of)
UNIVERSITY OF HAWAII PROFESSIONAL)
ASSEMBLY,)
Complainant,)
and)
BOARD OF REGENTS, University of Hawaii,)
State of Hawaii,)
Respondent.)

CASE NO. CE-07-463

In the Matter of)
UNIVERSITY OF HAWAII PROFESSIONAL)
ASSEMBLY,)

CASE NO. CE-07-464

Complainant,)
)
 and)
)
 BOARD OF REGENTS, University of Hawaii,)
 State of Hawaii,)
)
 Respondent.)
 _____)

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

On January 23, 2001, Complainant UNIVERSITY OF HAWAII PROFESSIONAL ASSEMBLY (UHPA or Union) filed four prohibited practice complaints against the Respondent BOARD OF REGENTS, University of Hawaii, State of Hawaii with the Hawaii Labor Relations Board (Board) in Case Nos. CE-07-461, CE-07-462, CE-07-463, and CE-07-464.

In Case No. CE-07-461, UHPA alleges that the Respondent violated Hawaii Revised Statutes (HRS) §§ 89-13(a)(5) and (7) by implementing, planning, or proposing a reorganization of the Community Colleges without bargaining or consulting with the Union. In Case No. CE-07-462, UHPA alleges that the Respondent violated HRS §§ 89-13(a)(2), (5), and (7) by implementing a new wage schedule and classification for variable faculty at the Community Colleges without bargaining or consulting with the Union. In Case No. CE-07-463, UHPA alleges that the Respondent violated HRS §§ 89-13(a)(2), (5), and (7) by directly negotiating with employees regarding a “merit pay” proposal without bargaining or consulting with the Union. In Case No. CE-07-464, UHPA alleges that the Respondent violated HRS §§ 89-13(a)(5) and (7) by preparing to hire or hiring a significant number of out-of-state employees on a part-time basis to perform work within the bargaining unit without bargaining or consulting with the Union.

After reviewing the record in these cases, the Board finds that the complaints involve substantially the same parties and issues and 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 Hawaii Administrative Rules (HAR) § 12-42-8(g)(13), the Board hereby consolidates these complaints and the proceedings thereon for disposition.

NOTICE IS HEREBY GIVEN that the Board, pursuant to HRS § 89-5(b)(4) and Hawaii Administrative Rules (HAR) § 12-42-47, will conduct a prehearing conference on the above consolidated prohibited practice complaints on February 27, 2001 at 9:00 a.m., in the Board’s hearing 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.

NOTICE IS ALSO GIVEN that the Board will conduct a hearing, pursuant to HRS §§ 89-5(b)(4) and 89-14, and HAR §§ 12-42-49 and 12-42-8(g) on the consolidated complaints on March 6, 2001 at 9:30 a.m. in the above-mentioned hearing room. The purpose of the hearing is to receive evidence and arguments on whether Respondent 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. Ebata 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, February 9, 2001.

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chair


CHESTER C. KUNITAKE, Member


KATHLEEN RACUYA-MARKRICH, Member

Copies sent to:

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Evelyn Nowaki, Esq.
Joyce Najita, IRC