

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of  
JOHN MUSSACK,  
  
Complainant,  
  
and  
  
MICHAEL HARANO, Principal, Kailua  
Elementary School, Department of Education,  
State of Hawaii,  
  
Respondent.

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CASE NO. CE-05-482  
ORDER NO. 2040  
NOTICE TO RESPONDENTS OF  
PROHIBITED PRACTICE COM-  
PLAINTS; PROHIBITED PRACTICE  
COMPLAINTS; ORDER  
CONSOLIDATING CASES FOR  
DISPOSITION

In the Matter of  
JOHN MUSSACK,  
  
Complainant,  
  
and  
  
MICHAEL HARANO, Principal, Kailua  
Elementary School, Department of Education,  
State of Hawaii,  
  
Respondent.

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CASE NO. CE-05-483

In the Matter of  
JOHN MUSSACK,  
  
Complainant,  
  
and  
  
LEA ALBERT, District Superintendent,  
Windward District Office, Department of  
Education, State of Hawaii,  
  
Respondent.

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CASE NO. CE-05-484

NOTICE TO RESPONDENTS OF PROHIBITED PRACTICE  
COMPLAINTS; AND ORDER CONSOLIDATING CASES FOR DISPOSITION

NOTICE IS HEREBY GIVEN that on October 19, 2001, JOHN MUSSACK (MUSSACK) filed a prohibited practice complaint against MICHAEL HARANO (HARANO), Principal, Kailua Elementary School, Department of Education, State of Hawaii in Case No. CE-05-482. MUSSACK alleges, *inter alia*, on November 1, 2000, HARANO issued an oral warning to MUSSACK which constituted discipline without proper cause in violation of the Unit 05 agreement and Hawaii Revised Statutes (HRS) § 89-13(8) (sic). Also on October 19, 2001, MUSSACK filed another complaint against HARANO in Case No. CE-05-483 alleging that on January 11, 2001, HARANO issued a written reprimand to MUSSACK without proper cause in violation of the Unit 05 agreement and HRS § 89-13(8) (sic).

NOTICE IS ALSO GIVEN that on October 19, 2001, MUSSACK filed a prohibited practice complaint against LEA ALBERT (ALBERT), District Superintendent, Windward District Office, Department of Education, State of Hawaii. MUSSACK again contends that he was disciplined without proper cause on January 11, 2001 in retaliation for advocating on behalf of children with disabilities in violation of the Unit 05 agreement and HRS § 89-13(8) (sic).

After reviewing these complaints, the Board finds that these 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.

YOU ARE DIRECTED to file with this Board the original and five (5) copies of your answer, with proof of service upon Complainant, no later than 4:30 p.m. of the tenth day after service of the complaint. If you fail to timely file and serve an answer, such failure may constitute an admission of the material facts alleged in the complaint and a waiver of a hearing.

DATED: Honolulu, Hawaii, October 23, 2001.

HAWAII LABOR RELATIONS BOARD

  
BRIAN K. NAKAMURA, Chair

  
CHESTER C. KUNITAKE, Member

JOHN MUSSACK v. MICHAEL HARANO, Principal, Kailua Elementary School, Department of  
Education, State of Hawaii

CASE NO. CE-05-482

JOHN MUSSACK v. MICHAEL HARANO, Principal, Kailua Elementary School, Department of  
Education, State of Hawaii

CASE NO. CE-05-483

JOHN MUSSACK v. LEA ALBERT, District Superintendent, Windward District Office,  
Department of Education, State of Hawaii

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NOTICE TO RESPONDENTS OF PROHIBITED PRACTICE COMPLAINTS; AND ORDER  
CONSOLIDATING CASES FOR DISPOSITION

  
KATHLEEN RACUYA-MARKRICH, Member

Copies sent to:

John Mussack  
Michael Harano  
Lea Albert  
Earl I. Anzai, Attorney General  
Joyce Najita, IRC