

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of
LEWIS W. POE,

Complainant,

and

HAWAII GOVERNMENT EMPLOYEES
ASSOCIATION, AFSCME, LOCAL 152,
AFL-CIO,

Respondent.

CASE NO. CU-03-203

ORDER NO. 2103

ORDER DENYING RESPONDENT'S
MOTION FOR DISCOVERY, PRODUCTION OF DOCUMENTS AND THINGS;
ORDER CONTINUING HEARING ON
PROHIBITED PRACTICE COMPLAINT;
AND NOTICE OF HEARING ON
RESPONDENT'S MOTION TO DISMISS

ORDER DENYING RESPONDENT'S MOTION FOR
DISCOVERY, PRODUCTION OF DOCUMENTS AND THINGS; ORDER
CONTINUING HEARING ON PROHIBITED PRACTICE COMPLAINT;
AND NOTICE OF HEARING ON RESPONDENT'S MOTION TO DISMISS

On August 1, 2002, the Hawaii Labor Relations Board (Board) conducted a prehearing conference in this matter. Complainant appeared pro se and Respondent was represented by counsel. The Board noted that in addition to the four grievance referenced in the Notice of Prehearing Conference and Hearing on Prohibited Practice Complaint dated July 15, 2002, POE charges that the Respondent breached its duty of fair representation with respect to his requests to file a grievance at Step 1 for the violation Article 11 and/or 3 and another at Step 2 regarding the underpayment of night differential. The Board also heard arguments on Respondent's Application for Discovery, Production of Documents and Things filed on July 30, 2002. After considering the record and the written and oral arguments presented, the Board denied Respondent's Application for Discovery because Respondent failed to establish good cause therefor.

Respondent further requested a continuance of the hearing originally scheduled on August 13, 2002. The Board thereupon continued the hearing until September 12, 2002 at 9:30 a.m. in the Board's hearing room, 830 Punchbowl Street, Honolulu, Hawaii.

Thereafter, on August 5, 2002, Respondent filed a Motion to Dismiss with the Board contending that the instant complaint is untimely.

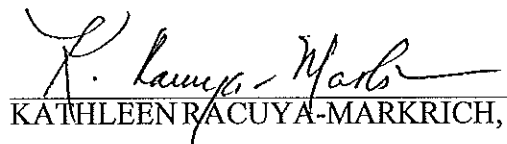
NOTICE IS HEREBY GIVEN that the Board will conduct a hearing, pursuant to Hawaii Revised Statutes §§ 89-5(b)(4) and 89-14, and Hawaii Administrative Rules

§ 12-42-8(g), on Respondent's Motion to Dismiss filed on August 5, 2002 on August 20, 2002 at 9:30 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.

DATED: Honolulu, Hawaii, August 7, 2002.

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chair


KATHLEEN RACUYA-MARKRICH, Member

Copies sent to:

Lewis W. Poe
Peter Liholiho Trask, Esq.
Joyce Najita, IRC