

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)
KEVIN D. FLORES,)
)
Complainant,)
)
and)
)
DEPARTMENT OF PUBLIC SAFETY, State)
of Hawaii; COLLEEN MIYASATO, Personnel)
Management Specialist, Department of Public)
Safety, State of Hawaii and WALTER)
HARRINGTON, Assistant Personnel Officer,)
Department of Public Safety, State of Hawaii,)
)
Respondents.)

CASE NO. CE-10-514

ORDER NO. 2112

NOTICE TO RESPONDENTS OF
PROHIBITED PRACTICE COM-
PLAINTS; PROHIBITED PRACTICE
COMPLAINTS; AND ORDER CONSOL-
IDATING CASES FOR DISPOSITION

In the Matter of)
KEVIN D. FLORES,)
)
Complainant,)
)
and)
)
UNITED PUBLIC WORKERS, AFSCME,)
LOCAL 646, AFL-CIO and LAURIE)
SANTIAGO, Business Agent, United Public)
Workers, AFSCME, Local 646, AFL-CIO,)
)
Respondents.)

CASE NO. CU-10-207

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

NOTICE IS HEREBY GIVEN that KEVIN D. FLORES (FLORES) filed prohibited practice complaints with the Hawaii Labor Relations Board (Board), copies of which are attached, alleging that you have engaged in or are engaging in prohibited practices in violation of Hawaii Revised Statutes § 89-13.

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.

After reviewing these complaints, the Board finds that FLORES alleges in Case No. CE-10-514 that he was an ACO III at the Halawa Correctional Facility and unjustly terminated. FLORES further alleges in Case No. CU-10-207 that he was employed as an ACO III at the Halawa Correctional Facility and misrepresented by LAURIE SANTIAGO, Business Agent, United Public Workers, AFSCME, LOCAL 646, AFL-CIO. 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.

DATED: Honolulu, Hawaii, September 4, 2002.

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chair


CHESTER C. KUNITAKE, Member


KATHLEEN RACUYA-MARKRICH, Member

Copies sent to:
Kevin D. Flores
Colleen Miyasato, PSD
Walter Harrington, PSD
Earl I. Anzai, Attorney General
Laurie Santiago, Business Agent
Gary W. Rodrigues
Joyce Najita, IRC

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

PROHIBITED PRACTICE COMPLAINT

'02 AUG 30 AM 11:56

CASE NO. HAWAII-511
LABOR RELATIONS BOARD

INSTRUCTIONS. Submit the original and five copies of this Complaint to the Hawaii Labor Relations Board, 830 Punchbowl Street, Room 434, Honolulu, Hawaii 96813. If more space is required for any item, attach additional sheets, numbering each item accordingly.

1. The Complainant alleges that the following circumstances exist and requests that the Hawaii Labor Relations Board proceed pursuant to Sections 89-13 and 89-14, Hawaii Revised Statutes, and its Administrative Rules, to determine whether there has been any violation of Chapter 89, Hawaii Revised Statutes.
-

2. COMPLAINANT

- a. Name, address and telephone number.

KEVIN D. FLORES.
94409 KIAU PLACE.
WAIPAHU, HI. 96797.
677. 7577.

- b. Name, address and telephone number of the principal representative, if any, to whom correspondence is to be directed.

N/A.

3. RESPONDENT (Public Employer or His or Her Agent and/or Employee Organization or its Agents Against Whom Complaint is Filed)

a. Name, address and telephone number.

COLLEEN MIYASATO, PERSONNEL MANAGEMENT SP
WALTER HARRINGTON, DEPT. PERSONEL OFFICER.
STATE OF HAWAII, PUBLIC SAFETY.
919 ALAMOANA BLVD., #110. #587.1242.
HONOLULU, HI. 96814. #587.1243.

b. Name, address and telephone number of the principal representative, if any, to whom correspondence is to be directed.

N/A.

4. Indicate the appropriate bargaining unit(s) of employee(s) involved.

UNIT 10.

5. ALLEGATIONS

The Complainant alleges that the above-named respondent(s) has (have) engaged in or is (are) engaging in a prohibited practice or practices within the meaning of Section 89-13, Hawaii Revised Statutes. (Specify in detail the particular alleged violation, including the subsection or subsections of Section 89-13, Hawaii Revised Statutes, alleged to have been violated, together with a complete statement of the facts supporting the complaint, including specific facts as to names, dates, times, and places involved in the acts alleged to be improper.)

6. Provide a clear and concise statement of any other relevant facts.

COMPLAINANT FEELS HE WAS UNJUSTLY AND WRONGFULLY TERMINATED.

COMPLAINANT WAS EMPLOYED BY THE STATE OF HAWAII AS AN ACO III AT THE HALAWA CORRECTIONAL FACILITY.

STATE OF HAWAII)
) ss.
CITY AND COUNTY OF)

Kevin D. Flores

, being first duly sworn on oath, deposes and says: that he is the Complainant above named, or representative, and that he has read the above Petition consisting of this and 3 additional page(s), and is familiar with the facts alleged therein, which facts he knows to be true, except as to those matters alleged on information and belief, which matters he believes to be true



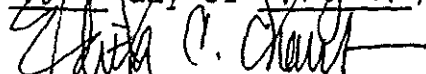
(Signature)

N/A

(Title)

l.g.

Subscribed and sworn to before me this 20th day of August, 2002



EDITHA C. CHARBONIER

Notary Public, Hawaii Circuit
State of Hawaii

My commission expires: 9/13/2005

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

'02 AUG 30 A11:58

PROHIBITED PRACTICE COMPLAINT

HAWAII
LABOR RELATIONS BOARD

CASE NO. CU-10-207

INSTRUCTIONS. Submit the original and five copies of this Complaint to the Hawaii Labor Relations Board, 830 Punchbowl Street, Room 434, Honolulu, Hawaii 96813. If more space is required for any item, attach additional sheets, numbering each item accordingly.

1. The Complainant alleges that the following circumstances exist and requests that the Hawaii Labor Relations Board proceed pursuant to Sections 89-13 and 89-14, Hawaii Revised Statutes, and its Administrative Rules, to determine whether there has been any violation of Chapter 89, Hawaii Revised Statutes.

2. COMPLAINANT

a. Name, address and telephone number.

KEVIN D. FLORES.
94409 KIAU PLACE.
WAIPAHU, HI. 96797
677. 75 77,

b. Name, address and telephone number of the principal representative, if any, to whom correspondence is to be directed.

N/A.

3. RESPONDENT (Public Employer or His or Her Agent and/or Employee Organization or its Agents Against Whom Complaint is Filed)

a. Name, address and telephone number.

LAURIE SANTIAGO, UPW BUSINESS AGENT.
UNITED PUBLIC WORKERS.
1426 N. SCHOOL STREET.
HONOLULU, HI. 96817
847.2631.

b. Name, address and telephone number of the principal representative, if any, to whom correspondence is to be directed.

N/A.

4. Indicate the appropriate bargaining unit(s) of employee(s) involved.

UNIT 10.

5. ALLEGATIONS

The Complainant alleges that the above-named respondent(s) has (have) engaged in or is (are) engaging in a prohibited practice or practices within the meaning of Section 89-13, Hawaii Revised Statutes. (Specify in detail the particular alleged violation, including the subsection or subsections of Section 89-13, Hawaii Revised Statutes, alleged to have been violated, together with a complete statement of the facts supporting the complaint, including specific facts as to names, dates, times, and places involved in the acts alleged to be improper.)


6. Provide a clear and concise statement of any other relevant facts.

COMPLAINANT FEELS HE WAS MISREPRES-
ENTED BY UPW UNION, LAURIE SANTIAGO,
BUSINESS AGENT.

COMPLAINANT WAS EMPLOYED BY THE STATE OF
HAWAII AS AN ACO III AT THE HALAW CORR-
ECTIONAL FACILITY.

STATE OF HAWAII)
) ss.
CITY AND COUNTY OF)

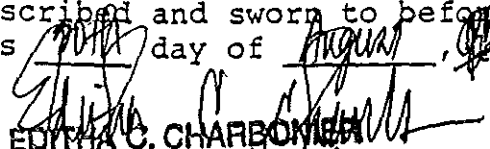
Kevin D. Flores, being first duly sworn on oath,
deposes and says: that he is the Complainant above named, or
representative, and that he has read the above Petition consisting of
this and 3 additional page(s), and is familiar with the facts alleged
therein, which facts he knows to be true, except as to those matters
alleged on information and belief, which matters he believes to be true



(Signature)
N/A

(Title)

V. 9.

Subscribed and sworn to before me
this 10th day of August, 2005

EDITHA C. CHARBONIER
Notary Public, Hawaii Circuit
State of Hawaii

My commission expires: 5/13/2005