

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of
RICHARD GARCIA GONSALES II,
Complainant,
and
STATE OF HAWAII ORGANIZATION OF
POLICE OFFICERS,
Respondent.

CASE NO. CU-12-210
ORDER NO. 2132
ORDER CONSOLIDATING CASES
FOR DISPOSITION; AND NOTICE OF
PREHEARING CONFERENCE AND
HEARING ON RESPONDENT CITY'S
MOTION TO DISMISS COMPLAINT

In the Matter of
RICHARD GARCIA GONSALES II,
Complainant,
and
JEREMY HARRIS, Mayor, City and County
of Honolulu and LEE DONOHUE, Police
Chief, Honolulu Police Department, City and
County of Honolulu,
Respondents.

CASE NO. CE-12-520

ORDER CONSOLIDATING CASES FOR DISPOSITION; AND
NOTICE OF PREHEARING CONFERENCE AND HEARING
ON RESPONDENT CITY'S MOTION TO DISMISS COMPLAINT

On October 31, 2002, Complainant RICHARD GARCIA GONSALES II (GONSALES) filed a Prohibited Practice Complaint against the STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS (SHOPO) with the Hawaii Labor Relations Board (Board) in Case No. CU-12-210. GONSALES alleges that he was dismissed from the Honolulu Police Department in 1999 and in 2000, his grievance was withdrawn by his business agent, without his knowledge. After receiving a pardon in 2002, GONSALES sought reinstatement but learned that his grievance had been withdrawn and had no recourse to reinstate his grievance.

Thereafter, on November 4, 2002, GONSALES filed a complaint against JEREMY HARRIS, Mayor, City and County of Honolulu and LEE DONOHUE, Police Chief, Honolulu Police Department, City and County of Honolulu (collectively CITY) in Case No. CE-12-520 for terminating his employment prior to exhausting his right to appeal or seek a pardon. GONSALES further contends that he was discriminated against in the manner that he was terminated.

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.

On November 14, 2002, Respondent CITY filed a Motion to Dismiss the Complaint with the Board contending that the complaint is untimely filed.

NOTICE IS HEREBY GIVEN THAT the Board, pursuant to Hawaii Revised Statutes § 89-5(b)(4) and HAR § 12-42-47, will conduct a prehearing conference on the above-entitled prohibited practice complaints on November 27, 2002 at 9:30 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 pursuant to HRS §§ 89-5(b)(4) and (5) and 89-14 and HAR § 12-42-8(g)(3), the Board will conduct a hearing on the CITY's motion to dismiss the complaint filed in Case No. CE-12-520 on November 27, 2002 immediately following the prehearing conference. GONSALES may file an answering affidavit in response to the CITY's motion with the Board, pursuant to HAR § 12-42-8(g)(3)(iii), by the close of business November 26, 2002.

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) for assistance. A request for reasonable accommodations should be made no later than ten working days prior to the needed accommodation.

RICHARD GARCIA GONSALES II v. STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS

CASE NO. CU-12-210

RICHARD GARCIA GONSALES II v. JEREMY HARRIS, et al.

CASE NO. CE-12-250

ORDER NO. 2132

ORDER CONSOLIDATING CASES FOR DISPOSITION; AND NOTICE OF PREHEARING CONFERENCE AND HEARING ON RESPONDENT HARRIS, ET AL.'S MOTION TO DISMISS COMPLAINT

DATED: Honolulu, Hawaii, November 15, 2002

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chair


CHESTER C. KUNITAKE, Member


KATHLEEN RACUYA-MARKRICH, Member

Copies sent to:

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Michael K. Wong, Esq.
Paul T. Tsukiyama, Deputy Corporation Counsel
Joyce Najita, IRC