

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)
STEVE ENG,)
)
Complainant,)
)
and)
)
HAWAII GOVERNMENT EMPLOYEES)
ASSOCIATION, AFSCME, LOCAL 152,)
AFL-CIO,)
)
Respondent.)

CASE NO. CU-03-216
ORDER NO. 2180
NOTICE TO RESPONDENTS OF
PROHIBITED PRACTICE COMPLAINTS;
AND ORDER CONSOLIDATING CASES
FOR DISPOSITION

In the Matter of)
STEVE ENG,)
)
Complainant)
)
and)
)
HAWAII STATE PUBLIC LIBRARY)
SYSTEM, State of Hawaii,)
)
Respondent.)

CASE NO. CE-03-525

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

NOTICE IS HEREBY GIVEN that STEVE ENG (ENG) 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 (HRS) § 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 in Case No. CE-03-524 ENG alleges that his employer has placed derogatory statements in his personnel file and also

interfered with his right to have representation during a grievance hearing. ENG also alleges that information was provided to a third party and the union but not to him. ENG therefore contends that his employer violated HRS §§ 89-13(a)(1), (2), and (8). In Case No. CU-03-216, ENG alleges, inter alia, that the union's withholding of evidence from him at the employer's request interferes with his rights under HRS Chapter 89 and the collective bargaining agreement which violates HRS §§ 89-13(b)(1) and (5). In addition ENG contends that the union has failed to act upon his grievances.

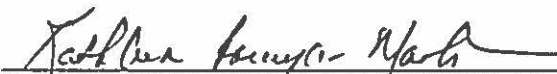
Based on the foregoing, the Board further finds that these complaints involve substantially the same parties and issues and that consolidation of the proceedings would be conducive to the proper dispatch of business and the ends of justice and will not unduly delay the proceedings. Pursuant to Hawaii Administrative Rules (HAR) § 12-42-8(g)(13), the Board hereby consolidates these complaints and the proceedings thereon for disposition.

DATED: Honolulu, Hawaii, March 18, 2003.

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chair


CHESTER C. KUNITAKE, Member


KATHLEEN RACUYA-MARKRICH, Member

Copies sent to:

Steve Eng
Russell Okata, HGEA
Virginia Lowell, Hawaii State Public Library System, State of Hawaii
Mark J. Bennet, Attorney General
Joyce Najita, IRC