

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. 2188
ORDER TO SHOW CAUSE; AND
NOTICE OF HEARING

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

CASE NO. CE-03-525

ORDER TO SHOW CAUSE: AND NOTICE OF HEARING

On March 17, 2003, Complainant STEVE ENG (ENG) filed a prohibited practice complaint against the HAWAII STATE PUBLIC LIBRARY SYSTEM, State of Hawaii (State) in Case No. CE-03-256 alleging that his employer placed derogatory statements in his personnel file and interfered with his right to have representation during a grievance hearing. ENG also alleged that information was provided to a third party and the union but not to him. ENG contended that the State violated HRS §§ 89-13(a)(1), (2), and (8).

Also on March 17, 2003, ENG filed a complaint against the HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO (HGEA) in Case No. CU-03-216 alleging that the HGEA withheld evidence from him and failed to act on his grievances. ENG contended that the HGEA interfered with his rights under HRS Chapter 89 and the applicable collective bargaining agreement and violated

HRS §§ 89-13(b)(1) and (5). The Board consolidated the cases in Order No. 2180 issued on March 18, 2003.

On March 21, 2003, the State filed a Motion for Particularization of the Complaint which was granted, in part, in Order No. 2183 issued on March 31, 2003. The Board directed the Complainant to file the Particularization no later than the fifth working day after service of the Order. The Board indicated that if Complainant failed to file and serve the Particularization, the Board would dismiss the complaint.¹

On April 14, 2003, the State filed a motion to dismiss the complaint with the Board.

On April 25, 2003, the Board issued a Notice of Prehearing Conference and Hearing on State Respondent's Motion to Dismiss Complaint and Notice of Hearing on Prohibited Practice Complaint. The Board noticed a prehearing conference on May 16, 2003 at 9:30 a.m. and a hearing on the State's motion to dismiss immediately following the prehearing conference. The Board also noticed a hearing on the instant complaint on May 23, 2003 at 9:30 a.m. The Board's notice required the parties to file a Prehearing Statement two days prior to the scheduled prehearing conference. The notice was sent to Complainant by regular and certified mail.

On April 30, 2003, the HGEA filed a motion to dismiss the instant complaint. On May 2, 2003, the Board issued a notice that the Board would conduct a hearing on HGEA's motion on May 16, 2003 at 9:30 a.m. The notice was sent to Complainant by regular and certified mail.

On May 5, 2003, the State filed a Supplemental Memorandum in Support of Motion to Dismiss Complaint with the Board.

The HGEA filed a Prehearing Statement with the Board on May 13, 2003 and the State filed its Prehearing Statement on May 14, 2003.

On May 16, 2003 at 9:45 a.m. the Board convened the prehearing conference and motions hearing as scheduled. Counsel for the State and the HGEA appeared and Complainant failed to appear at the scheduled prehearing conference and motions hearing. In addition, the Board noted that to this day, Complainant has failed to file a Particularization of his Complaint against the State as required in Order No. 2183, dated March 31, 2003; failed to respond to the State and HGEA's respective motions to dismiss the complaints; and failed to file a prehearing statement in response to the Board's notice, dated April 25, 2003.

¹On April 22, 2003, the Board re-mailed Order No. 2183 to Complainant by certified and regular mail because the original order sent by certified mail was returned to the Board.

Based on the foregoing, the Board hereby issues this ORDER TO SHOW CAUSE to STEVE ENG to appear at a hearing scheduled on May 23, 2003 at 9:30 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii, to show cause and explain why this case should not be dismissed, with prejudice, for lack of prosecution. If Complainant fails to appear at the scheduled hearing and establish good cause, the Board will dismiss the case for lack of prosecution. In the event Complainant establishes cause not to dismiss the complaints, the Board will proceed to hear arguments on the Respondents' respective motions to dismiss the complaint.

DATED: Honolulu, Hawaii, May 16, 2003.

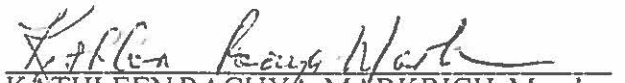
HAWAII LABOR RELATIONS BOARD



BRIAN K. NAKAMURA, Chair



CHESTER C. KUNITAKE, Member



KATHLEEN RACUYA-MARKRICH, Member

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