

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)
)
UNITED PUBLIC WORKERS, AFSCME,)
LOCAL 646, AFL-CIO,)
)
Complainant,)
)
and)
)
KATHLEEN WATANABE, Director,)
Department of Human Resources Development,)
State of Hawaii and LINDA LINGLE,)
Governor, State of Hawaii,)
)
Respondents.)

CASE NOS.: CE-01-552a
CE-10-552b

ORDER NO. 2238

ORDER CONSOLIDATING CASES
FOR DISPOSITION; AND NOTICE OF
PREHEARING CONFERENCE AND
HEARING ON PROHIBITED PRACTICE
COMPLAINTS

In the Matter of)
)
HAWAII GOVERNMENT EMPLOYEES)
ASSOCIATION, AFSCME, LOCAL 152,)
)
Complainant,)
)
and)
)
LINDA LINGLE, Governor, State of Hawaii,)
and KATHLEEN N.A. WATANABE, Director,)
Department of Human Resources Development,)
State of Hawaii,)
)
Respondents.)

CASE NOS.: CE-02-553a
CE-03-553b
CE-04-553c
CE-09-553d
CE-13-553e

ORDER CONSOLIDATING CASES FOR
DISPOSITION; AND NOTICE OF PREHEARING
CONFERENCE AND HEARING ON PROHIBITED PRACTICE COMPLAINTS

On February 11, 2004, Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW or Union) filed a Prohibited Practice Complaint against LINDA LINGLE, Governor, State of Hawaii (LINGLE) and KATHLEEN WATANABE, Director, Department of Human Resources Development, State of Hawaii (WATANABE) with the Hawaii Labor Relations Board (Board) in Case Nos.: CE-01-552a and CE-10-552b. The UPW alleges that on or about January 9, 2004, public employers agreed to resume negotiations on a multi-employer basis over the impact of Act 253, Session Laws of Hawaii (SLH) 2000, in a conference held in Case Nos.: DR-01-89a and DR-10-89b.

The UPW further alleges that thereafter Respondent WATANABE unilaterally implemented changes to existing terms and conditions of employment under the Units 1 and 10 agreements by issuing a January 9, 2004 memorandum to departmental personnel officers that the Policies and Procedures promulgated constituted new provisions which resulted in the discontinuation of the applicable prior practices. The UPW contends that unilateral rescission of prior rights is contrary to Section 149 of Act 253, SLH 2000, and violates specific provisions of the applicable agreements and Hawaii Revised Statutes (HRS) §§ 89-13(a)(1), (3), (5), (7), and (8).

Thereafter, on February 17, 2004, the HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO (HGEA) filed a complaint against LINGLE and WATANABE, with the Board in Case Nos.: CE-02-553a, CE-03-553b, CE-04-553c, CE-09-553d and CE-13-553e with identical allegations pertaining to bargaining units 02, 03, 04, 09, and 13.

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.

NOTICE IS HEREBY GIVEN that the Board, pursuant to HRS §§ 89-5(i)(4) and (i)(5) and Hawaii Administrative Rules (HAR) § 12-42-47, will conduct a prehearing conference on the above-entitled prohibited practice complaints on April 2, 2004 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 the Board, pursuant to HRS §§ 89-5(i)(4), 89-5(i)(5), and 89-14, and HAR § 12-42-8(g), will conduct a hearing on the instant complaint on April 14, 2004 at 9:30 a.m. in the Board's hearing room. The purpose of the hearing is to receive evidence and arguments on whether Respondents committed prohibited practices as alleged by the Complainants. The hearing may continue from day to day until completed.

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 Valri Kunimoto 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.

DATED: Honolulu, Hawaii, March 15, 2004.

HAWAII LABOR RELATIONS BOARD



BRIAN K. NAKAMURA, Chair



CHESTER C. KUNITAKE, Member



KATHLEEN RACUYA MARKRICH, Member

Copies sent to:

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