

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of )  
ERNEST W. VILLANUEVA, )  
 )  
Complainant, )  
 )  
and )  
 )  
UNITED PUBLIC WORKERS, AFSCME, )  
LOCAL 646, AFL-CIO, )  
 )  
Respondent. )

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CASE NO. CU-01-229  
ORDER NO. 2240  
ORDER CONSOLIDATING CASES  
FOR DISPOSITION; AND NOTICE OF  
PREHEARING CONFERENCE AND  
HEARING ON UPW'S MOTION TO  
DISMISS COMPLAINT, FILED ON  
MARCH 25, 2004

In the Matter of )  
ERNEST W. VILLANUEVA, )  
 )  
Complainant, )  
 )  
and )  
 )  
HONOLULU POLICE DEPARTMENT, )  
City and County of Honolulu, )  
 )  
Respondent. )

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CASE NO. CE-01-556

ORDER CONSOLIDATING CASES FOR DISPOSITION;  
AND NOTICE OF PREHEARING CONFERENCE AND HEARING ON  
UPW'S MOTION TO DISMISS COMPLAINT, FILED ON MARCH 25, 2004

On March 18, 2004, ERNEST W. VILLANUEVA (VILLANUEVA) filed a prohibited practice complaint against the HONOLULU POLICE DEPARTMENT, City and County of Honolulu (HPD) in Case No. CE-01-556 with the Hawaii Labor Relations Board (Board). VILLANUEVA alleges that HPD, *inter alia*, denied him due process and improperly terminated him for allegedly participating in a "food scandal."

Also on March 18, 2004, VILLANUEVA filed a prohibited practice complaint against the UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) in Case No. CU-01-229. VILLANUEVA alleges that the UPW violated the bargaining agreement, refused to bargain in good faith and refused to participate in good faith in the mediation, fact-finding and arbitration procedure in violation of Hawaii Revised Statutes (HRS)

§§ 89-13(b)(2) and (3). VILLANUEVA further alleges that the UPW failed to properly represent him in his termination grievance.

Thereafter on March 25, 2004, the UPW filed an Answer to Complaint Filed on 3/18/04 and UPW's Motion to Dismiss Complaint. The UPW contends that the Board lacks jurisdiction over VILLANUEVA's complaint against UPW because it is untimely and fails to state a claim for relief.

After reviewing the record in these cases, the Board finds that the 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 15, 2004 at 1:30 p.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.

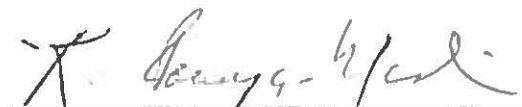
NOTICE IS ALSO GIVEN that the Board, pursuant to HRS §§ 89-5(i)(4), 89-5(i)(5), and 89-14, and HAR § 12-42-8(g), will conduct a hearing on the UPW's motion to dismiss on April 27, 2004 at 9:30 a.m. in the Board's hearing room.

DATED: Honolulu, Hawaii, March 29, 2004.

HAWAII LABOR RELATIONS BOARD

  
BRIAN K. NAKAMURA, Chair

  
CHESTER C. KUNITAKE, Member

  
KATHLEEN RACUYA-MARKRICH, Member

ERNEST W. VILLANUEVA v. UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO  
CASE NO. CU-01-229

ERNEST W. VILLANUEVA v. HONOLULU POLICE DEPARTMENT, City and County of Honolulu  
CASE NO. CE-01-556

ORDER NO. 2240

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

Copies sent to:

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