

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)
ADELAIDE NAKAMURA,)
)
Complainant,)
)
and)
HAWAII STATE TEACHERS ASSOCIATION,)
)
Respondent.)

CASE NO. CU-05-242
ORDER NO. 2350
ORDER CONSOLIDATING CASES
FOR DISPOSITION; AND NOTICE OF
PREHEARING CONFERENCE

In the Matter of)
ADELAIDE NAKAMURA,)
)
Complainant,)
)
and)
DEPARTMENT OF EDUCATION, State of)
Hawaii,)
)
Respondent.)

CASE NO. CE-05-608

ORDER CONSOLIDATING CASES FOR
DISPOSITION; AND NOTICE OF PREHEARING CONFERENCE

On November 8, 2005, ADELAIDE NAKAMURA (NAKAMURA) filed a prohibited practice complaint against the HAWAII STATE TEACHERS ASSOCIATION (HSTA or Union) in Case No. CU-05-242 with the Hawaii Labor Relations Board (Board). NAKAMURA alleged that she was "terminated" by the Department of Education by letter dated August 25, 2005, and requested assistance from the Union. NAKAMURA alleges that the Union's actions were discriminatory and in bad faith and violated its duty to provide her with assistance. NAKAMURA alleges, *inter alia*, that the HSTA failed to respond in a timely manner to her requests for assistance; that the HSTA failed to provide her with a UniServ Director and a copy of the contract; that the HSTA terminated her Union membership; and distorted the truth in correspondence to her. NAKAMURA contends that the HSTA thereby violated Hawaii Revised Statutes (HRS) §§ 89-13(b)(4) and (5).

Thereafter, on November 16, 2005, NAKAMURA filed a prohibited practice complaint against the DEPARTMENT OF EDUCATION, State of Hawaii (DOE).

NAKAMURA alleged, inter alia, that she was terminated without good cause; that her termination was backdated one month; that there was a two-month lag between the time she was terminated and the Employer-Union Trust Fund receiving the paperwork to initiate COBRA coverage; that she had to pay for unused COBRA coverage back to 7/25/05; that Central District Personnel Officer Calvin Shimomura has not responded to requests for information regarding her employment status and concerns; and that Assistant Superintendent Gerald Okamoto did not document her termination, denied her the opportunity to respond, and failed to follow departmental procedures for termination. NAKAMURA contends that DOE violated HRS §§ 89-13(a)(1), (4), (5), (6), (7), and (8).


Thereafter on November 28, 2005, Respondent DOE filed a Motion to Dismiss with the Board contending that NAKAMURA fails to state a claim for relief and/or failed to exhaust her contractual remedies.

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 December 19, 2005 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.

DATED: Honolulu, Hawaii, DECEMBER 5, 2005.

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chair


EMORY J. SPRINGER, Member

ADELAIDE NAKAMURA v. HAWAII STATE TEACHERS ASSOCIATION

CASE NO. CU-05-242

ADELAIDE NAKAMURA v. DEPARTMENT OF EDUCATION, State of Hawaii

CASE NO. CE-05-608

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ORDER GRANTING CONSOLIDATION OF CASES FOR DISPOSITION; AND NOTICE OF
PREHEARING CONFERENCE


KATHLEEN RACUYA-MARKRICH, Member

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