

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of

STATE OF HAWAII; CITY AND COUNTY OF HONOLULU; COUNTY OF HAWAII; COUNTY OF MAUI AND COUNTY OF KAUAI; HAWAII HEALTH SYSTEMS CORPORATION; AND THE JUDICIARY,

Complainants,

and

DAYTON NAKANELUA, State Director, United Public Workers, AFSCME, Local 646, AFL-CIO and UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO,

Respondents.

CASE NO. CU-10-278

ORDER NO. 2638

ORDER CONSOLIDATING CASES FOR DISPOSITION; AND NOTICE OF CONTINUED HEARING ON MOTIONS

In the Matter of

UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO,

Complainant,

and

MARIE LADERTA, Chief Negotiator, Office of Collective Bargaining, State of Hawaii,

Respondent.

CASE NO. CE-10-726

ORDER CONSOLIDATING CASES FOR DISPOSITION;  
AND NOTICE OF CONTINUED HEARING ON MOTIONS

**Case No. CU-10-278**

On August 24, 2009, Complainants STATE OF HAWAII; CITY AND COUNTY OF HONOLULU; COUNTY OF HAWAII; COUNTY OF MAUI AND COUNTY OF KAUAI; HAWAII HEALTH SYSTEMS CORPORATION; and THE JUDICIARY (collectively Complainants) filed a prohibited practice complaint against DAYTON NAKANELUA (Nakanelua), State Director, United Public Workers,

AFSCME, Local 646, AFL-CIO and UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (collectively UPW or Union) with the Hawaii Labor Relations Board (Board) in Case No. CU-10-278. Complainants alleged that, inter alia, the UPW has refused to participate in the arbitrator selection in accordance with the alternate impasse procedure for the successor collective bargaining agreement for bargaining unit 10. Complainants contend that the Union wilfully violated Hawaii Revised Statutes (HRS) §§ 89-13(b)(4) by refusing to comply with any provision of this chapter.

On September 2, 2009, Complainants filed a Motion for Interlocutory Relief.

On September 10, 2009, the UPW filed a Motion to Dismiss Complaint and in the Alternative for Summary Judgment.

On September 11, 2009, the UPW filed a Motion to Continue September 16, 2009 Hearing on Complainants' Motion for Interlocutory Relief.

The Board previously scheduled the hearing on the Motion for Interlocutory Relief on September 16, 2009 at 1:30 p.m.

#### **Case No. CE-10-726**

On August 31, 2009, Complainant UPW filed a prohibited practice complaint against MARIE LADERTA (Laderta), Chief Negotiator, Office of Collective Bargaining, State of Hawaii, Board in Case No. CE-10-726. The UPW alleged that, inter alia, on and after August 28, 2009, Laderta wilfully refused to proceed with the arbitrator selection process for the Unit 10 interest arbitration. The UPW contends that Laderta committed a prohibited practice in violation of HRS § 89-13(a)(8).

The Board scheduled the hearing on the merits of the complaint on September 21, 2009 at 9:30 a.m.

At the prehearing/settlement conference held on September 10, 2009, the Board inquired whether the parties objected to the consolidation of Case Nos. CU-10-278 and CE-10-726. Laderta's counsel did not object to the consolidation. By letter dated September 11, 2009, UPW's counsel, stated that the Union continued to review the appropriateness of the consolidation and that the issue should be decided by motion of either party. The UPW indicated that the parties in the two cases were not the same and the claims arose from different agreements.

Consolidation

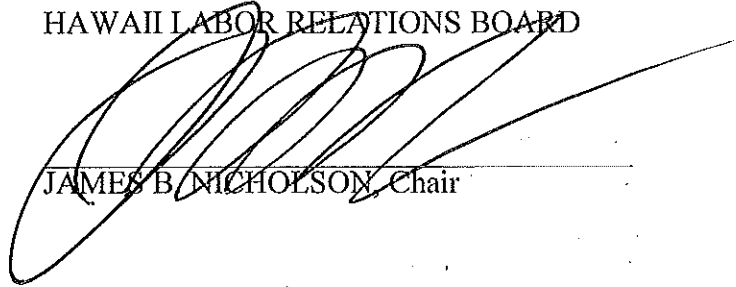
After reviewing these complaints, the Board finds that the complaints are involve substantially the same parties, the UPW and the public employer, and issues involve the selection of the neutral arbitrator for the Unit 10 interest arbitration for a successor collective bargaining agreement. The Board also finds that consolidation of the proceedings would be efficient, 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, on its own initiative, hereby consolidates these complaints and the proceedings thereon for disposition.

Notice of Continued Hearing on Motions

NOTICE IS ALSO GIVEN that the Board, pursuant to HRS §§ 89-5(i)(4) and (i)(5) and HAR § 12-42-8(g)(3), will continue the hearing on pending motions from September 16, 2009 at 1:30 p.m. to **September 21, 2009 at 9:30 a.m.** in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.

DATED: Honolulu, Hawaii, September 16, 2009.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



EMORY J. SPRINGER, Member



SARAH R. HIRAKAMI, Member

Copies sent to:

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