

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

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

Complainant,

and

DEPARTMENT OF ENVIRONMENTAL
SERVICES, REFUSE DIVISION, City and
County of Honolulu,

Respondent.

CASE NO. CE-01-789

ORDER NO. 2858

ORDER CONSOLIDATING CASES
FOR DISPOSITION; NOTICE OF
DEADLINES FOR FILING MOTIONS
AND RESPONSES; NOTICE OF
HEARING ON MOTIONS; AND
NOTICE OF HEARING ON
PROHIBITED PRACTICE
COMPLAINTS

In the Matter of

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

Complainant,

and

DEPARTMENT OF ENVIRONMENTAL
SERVICES, City and County of Honolulu;
JAMES QUINONES, City and County of
Honolulu; RIALROME THORNTON, a/k/a
"Boy", City and County of Honolulu; BERT
WONG, City and County of Honolulu;
KENNETH SELF, City and County of
Honolulu; DAVID SHIRAISHI, City and
County of Honolulu; PETER CARLISLE,
Mayor, City and County of Honolulu,

Respondents.

CASE NO. CE-01-803

In the Matter of

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

Complainant,

and

CASE NO. CE-01-807

PETER CARLISLE, Mayor, City and County
of Honolulu; DEPARTMENT OF
ENVIRONMENTAL SERVICES, City and
County of Honolulu; and RIALROME
THORNTON, a/k/a "BOY",

Respondents.

ORDER CONSOLIDATING CASES FOR
DISPOSITION; NOTICE OF DEADLINES FOR FILING
MOTIONS AND RESPONSES; NOTICE OF HEARING ON MOTIONS;
AND NOTICE OF HEARING ON PROHIBITED PRACTICE COMPLAINTS

On July 9, 2012, Complainant UNITED PUBLIC WORKERS, AFSCME, Local 646, AFL-CIO (UPW), by and through its counsel, filed with the Hawaii Labor Relations Board (Board) a Motion for Consolidation of Cases in Case No. CE-01-807. UPW requested the Board to consolidate Case No. CE-01-807 with previously consolidated Case Nos: CE-01-803 and, CE-01-789 because the cases involved virtually the same parties and issues, i.e., alleged retaliation against stewards for engaging in union activities.

At the prehearing conference/settlement conference held on July 9, 2012 in Case No. CE-01-807, Respondents' counsel had no opposition to the consolidation of the instant cases. In addition, the parties agreed to continue the hearing on the merits scheduled on July 26, 2012 at 1:00 p.m. in this matter and to waive the 40-day hearing requirement in Hawaii Revised Statutes (HRS) § 377-9(b) and Hawaii Administrative Rules (HAR) § 12-42-46(b).

After reviewing these complaints, the Board finds that the complaints involve substantially the same parties, i.e., the UPW and the City and County of Honolulu, and issues, including common allegations of whether the respondents are retaliating against the UPW stewards because of the performance of their UPW steward duties. 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. Thus, pursuant to HAR §12-42-8(g)(13), the Board hereby consolidates these complaints and the proceedings thereon for disposition.

The Board also set the following deadlines:

August 20, 2012 deadline to file any motions, including
discovery motions

Responses will be due within 5 calendar days of receipt of a filed copy of a motion.

NOTICE IS HEREBY GIVEN that pursuant to HRS § 89-5(i)(4) and (i)(5) and HAR § 12-42-8(g)(3), the Board will conduct a hearing on any motions filed on **September 10, 2012 at 9:00 a.m.** in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.

NOTICE IS ALSO GIVEN that the hearing in these consolidated cases is continued to **September 25, and 27, 2012 at 9:00 a.m.** in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.

DATED: Honolulu, Hawaii, July 10, 2012.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair

Sesnita A. D. Moepono

SESNITA A.D. MOEPONO, Member

Rock B. Ley

ROCK B. LEY, Member

Copies sent to:

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John S. Mukai, Deputy Corporation Counsel