

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

LISA K. LEMON,

Complainant,

and

HAWAII GOVERNMENT EMPLOYEES
ASSOCIATION, AFSCME, LOCAL 152,
AFL-CIO,

Respondents.

CASE NO. CU-13-325

ORDER NO. 2969

ORDER CONSOLIDATING
CASES FOR DISPOSITION;
WAIVER OF §377-9(b), HAWAII
REVISED STATUTES AND § 12-
42-46(b), SUBCHAPTER 3,
CHAPTER 42, TITLE 12,
HAWAII ADMINISTRATIVE
RULES; NOTICE OF SECOND
PREHEARING/SETTLEMENT
CONFERENCE

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§377-9(b), HAWAII REVISED STATUTES AND § 12-42-46(b),
SUBCHAPTER 3, CHAPTER 42, TITLE 12, HAWAII ADMINISTRATIVE
RULES; AND NOTICE OF SECOND PREHEARING/SETTLEMENT

On February 25, 2014, Complainant LISA LEMON, *Pro Se*, (Complainant) filed Case Nos. CU-13-325 and CU-13-326 against Respondent HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO, (HGEA). In Case No. CU-13-325, Complainant alleges, *inter alia*, that HGEA discriminated against

exempt employees and violated Hawaii Revised Statutes (HRS) §89-13 (b)(4) by failing to protect the rights and represent the interests of exempt employees in Bargaining Unit 13. In Case No. CU-13-325, Complainant alleges, *inter alia*, that HGEA violated §89-13(b)(1) and §89-13(b)(4), HRS by failing to protect the rights and represent the interests of non-HGEA members who are forced to participate in Bargaining Unit 13. The Complainant and the Respondent are the same in both cases.

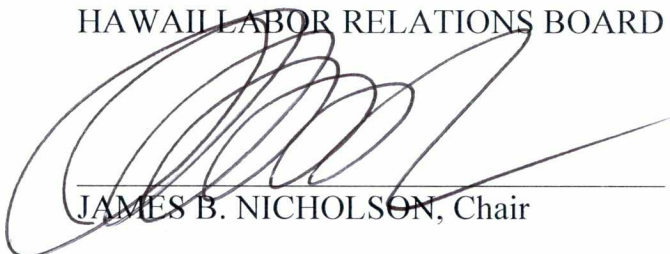
At the Pre-Hearing/Settlement Conference on the prohibited practice complaint held on March 14, 2014, the Hawaii Labor Relations Board (Board), pursuant to § 12-42-8(g)(13)¹, Hawaii Administrative Rules (HAR) on its own initiative initiated discussion to consolidate the above cases. The parties did not oppose consolidating the cases. The parties also agreed to waive the requirements of § 377-9(b), HRS and § 12-42-46(b), Sub-Chapter 3, Chapter 42, Title 12, HAR mandating that the hearing on the Complaint “be held no less than ten and nor more than forty days after the filing of the Complaint or amendment thereof.” The parties agreed to set a Second Prehearing/Settlement Conference to set deadlines and the hearing on the merits.

After reviewing the complaints, the Board finds that the complaints involve the same parties, i.e. Ms. Lisa Lemon and HGEA. The issues relate to a nonmember employee of bargaining unit 13. The Board also finds 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 § 12-42-8(g)(13), HAR, the Board HEREBY ORDERS the consolidation of the above cases.

ACCORDINGLY, NOTICE IS HEREBY GIVEN that a Second Pre-Hearing/Settlement Conference in the above-entitled matter will be held on April 21, 2014 at 9:00 a.m. in the Board’s hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii to set dates for deadlines and the hearing on the merits.

DATED: Honolulu, Hawaii, March 19, 2014.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair

¹ HAR § 12-42-8(g)(13) The board, on its own initiative or upon motion, may consolidate for hearing or other purposes or may contemporaneously consider two or more proceedings which involve substantially the same parties or issues if it finds that such consolidation of proceedings or contemporaneous consideration will be conducive to the proper dispatch of its business and to the ends of justice and will not unduly delay the proceedings.


SESNITA A.D. MOEPONO, Member


ROCK B. LEY, Member

Copies sent to:

Lisa Lemon
Debra Kagawa, Esq.

CU-13-325 and CU-13-326 (Consolidated) Lisa Lemon v. HGEA: ORDER
CONSOLIDATING CASES FOR DISPOSITION; WAIVER OF §377-9(b), HAWAII
REVISED STATUTES AND § 12-42-46(b), SUBCHAPTER 3, CHAPTER 42, TITLE 12,
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