



STATE OF HAWAII

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Transaction ID 59876564
Case No. CE-11-845

HAWAII LABOR RELATIONS BOARD

In the Matter of

HAWAII FIRE FIGHTERS ASSOCIATION,
IAFF, LOCAL 1463,

Complainant,

and

KIRK CALDWELL, Mayor, City and County
of Honolulu; MANUEL P. NEVES, Fire
Chief, Honolulu Fire Department, City and
County of Honolulu; HONOLULU FIRE
DEPARTMENT, City and County of
Honolulu; and CITY AND COUNTY OF
HONOLULU,

Respondents.

CASE NO.: 14-CE-11-845

ORDER NO. 3212

ORDER CONSOLIDATING CASES AND
NOTICE OF CONSOLIDATED HEARING
DATES AND DEADLINES

In the Matter of

HAWAII FIRE FIGHTERS ASSOCIATION,
IAFF, LOCAL 1463,

Complainant,

and

KIRK CALDWELL, Mayor, City and County
of Honolulu; MANUEL P. NEVES, Fire
Chief, Honolulu Fire Department, City and
County of Honolulu; HONOLULU FIRE
DEPARTMENT, City and County of
Honolulu; and CITY AND COUNTY OF
HONOLULU,

Respondents.

CASE NO.: 16-CE-11-887

ORDER CONSOLIDATING CASES

On November 14, 2016, Hawaii Fire Fighters Association, IAFF, Local 1463, AFL-CIO, (HFFA/IAFF) or Complainant) filed its prohibited practice complaint in this matter with the Hawaii Labor Relations Board (Board). On November 17, 2016, the Board issued Notice to Respondent(s) of Prohibited Practice Complaint; Notice of Prehearing Conference and Notice of Hearing on the Prohibited Practice Complaint.

On November 17, 2016, Complainant HFFA/IAFF filed in 16-CE-11-887 a motion to consolidate Case No. 16-CE-11-887 with Case No. 14-CE-11-845. HFFA/IAFF is the complainant in both cases, and Respondents KIRK CALDWELL, Mayor, City and County of Honolulu; MANUEL P. NEVES, Fire Chief, Honolulu Fire Department, City and County of Honolulu; HONOLULU FIRE DEPARTMENT, City and County of Honolulu; and CITY AND COUNTY OF HONOLULU (collectively, Respondents) and are the same Respondents in both cases. Further, both cases involve similar allegations regarding alleged deprivation, denial, or restraint of negotiated informational and educational meetings. The HFFA/IAFF alleges that the two cases involve a continuum of events of the same alleged prohibited practice conduct.

On November 23, 2016, Respondents' Memorandum in Opposition to Motion for Consolidation was filed with the Board in 16-CE-11-887. The Respondents, argued *inter alia*, that the issues are different in the complaints of 14-CE-11-845 (845 complaint) and 16-CE-11-887 (887 complaint). Respondents argue that the issues in 845 complaint's is whether the Employer willfully interfered with the Union's right to hold Section 6 Informational and Educational meetings under Section 6 of the bargaining unit 11's collective bargaining agreement (CBA) when the union refused the employer's request to consult and to provide specific dates, time and location of meetings to be held at the various fire stations and the 887 complaint is whether the employer willfully interfered with the union's right to hold information and educational meetings under Section 6 of the CBA by requiring that the meetings take place after 5:00 p.m. at the various fire stations.

On November 25, 2016, the Board held a prehearing/settlement conference for 16-CE-11-887. At the conference, counsels for the above-named Complainant and Respondents were

present. The Board heard oral arguments in support and in opposition of HFFA/IAFF's motion to consolidate the two cases from the parties.

Accordingly, pursuant to Hawaii Administrative Rules (HAR) §§ 12-42-8(g)(3)(C)(iv) and 12-42-8(g)(13), the Board finds that Cases No. 14-CE-11-845 and 16-CE-11-887 involve the same Parties and substantially the same issues. The Board further finds that consolidation of the two cases will be conducive to the proper dispatch of the Board's business, to the ends of justice, and will not unduly delay the proceedings nor prejudice the presentation of either case. Therefore, the Board finds in favor of the HFFA/IAFF Motion to Consolidate, and **HEREBY ORDERS THAT CASE NOS. 14-CE-11-845 and 16-CE-11-877 ARE CONSOLIDATED FOR PURPOSES OF HEARING AND DISPOSITION.**

NOTICE OF CONSOLIDATED HEARING DATES AND DEADLINES

PURSUANT TO HRS §§ 377-9, 89-5(i)(4), 89-5(i)(5), and 89-14, and HAR § 12-42-46, NOTICE IS HEREBY GIVEN that the Board will conduct a hearing on the merits of the consolidated complaints on **December 12, 13, 14, and 19, 2016**, beginning at **9:00 a.m.** each day, in the Board's hearing room located at 830 Punchbowl Street, Room 434, Honolulu, Hawaii 96813. The purpose of the hearing is to receive evidence and arguments on whether Respondents committed prohibited practices as alleged by Complainant in Case Nos. 14-CE-11-845 and 16-CE-11-887.

Deadline for:

Due by Noon on:

- 1. Application for the issuance of subpoenas of Complainants' first three witnesses and subpoena duces tecum**

Dec 1

If subpoenas are issued, then the Board requests that the parties send a courtesy copy to all opposing parties and file the proof of service with the Board by the next business day following service.

2. Exchange of Witness List**Dec 5**

The witness list shall include, in the interest of judicial economy, a brief but meaningful summary or general statement of the nature of the testimony expected, and the order in which the witnesses are expected to be called. The summary or general statement for each witness shall include sufficient information for the Board to determine whether the proposed testimony will be irrelevant, immaterial, or unduly repetitious to any other witness testimony; see, Hawaii Revised Statutes § 91-10(1) and Hawaii Administrative Rules § 12-42-8(g)(8)(B).

3. Exchange of Exhibit Lists:**Dec 5**

Complainant's exhibits shall be marked using numbers (e.g., 1, 2, 3, etc.) and Respondent's exhibits shall be marked using letters of the alphabet (e.g. A, B, C, etc.) Board Exhibit 1 CBA

4. Copies of proposed exhibits shall be provided to the Board as follows:**Dec 8**

- a. On the Due Date, a party may file its proposed exhibits with the File & ServeXpress eFiling system by uploading each exhibit individually. On the day of Hearing, one (1) hard copy of the Party's proposed exhibits shall be provided to the Board for use by the witness;
Or,
- b. On the Due Date, a Party may file with the Board a CD or DVD containing its proposed exhibits in one (1) searchable pdf file and bookmarked, or in individual searchable pdf files. On the day of the Hearing one (1) hard copy of the Party's proposed exhibits shall be provided to the Board for use by the witness.

All parties have the right to appear in person and to be represented by counsel or a representative.

Auxiliary aids and services are available upon request by calling Ms. Nora Ebata, Board Secretary at (808) 586-8616, (808) 586-8847 (TTY), or 1 (888) 569-6859 (TTY islands of Hawaii, Kauai or Maui). A request for reasonable accommodations should be made no later than five working days prior to the needed accommodation.

DATED: Honolulu, Hawaii, Nov. 25, 2016.

HAWAII LABOR RELATIONS BOARD


Sesnita A. D. Moepono
SESNITA A.D. MOEPONO, Member

J. N. Musto
J. N. MUSTO, Member

Copy:

Peter Liholiho Trask, Esq.
Karen K. Lee, Deputy Corporation Counsel