

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CE-06-112
)	
ELSIE L. HU,)	ORDER NO. 661
)	
Complainant,)	ORDER CONSOLIDATING CASES
)	FOR DISPOSITION; ORDER
and)	GRANTING COMPLAINANTS'
)	MOTION TO STAY PROCEEDINGS
BOARD OF EDUCATION, State of)	AND DENYING RESPONDENT'S
Hawaii,)	MOTION TO DISMISS
)	
Respondent.)	

In the Matter of)	CASE NO. CE-06-113
)	
HAWAII GOVERNMENT EMPLOYEES)	
ASSOCIATION, AFSCME LOCAL 152,)	
AFL-CIO,)	
)	
Complainant,)	
)	
and)	
)	
BOARD OF EDUCATION, State of)	
Hawaii,)	
)	
Respondent.)	

ORDER CONSOLIDATING CASES FOR DISPOSITION;
ORDER GRANTING COMPLAINANTS' MOTION TO STAY
PROCEEDINGS AND DENYING RESPONDENT'S MOTION TO DISMISS

On October 23, 1987, Complainant HU filed a prohibited practice complaint against BOE alleging violation of Subsections 89-13(a)(1), (7), and (8), HRS. Similarly, on October 27, 1987, HGEA filed a prohibited practice complaint against BOE, alleging violation of Subsections 89-13(a)(1), (7), and (8), HRS. The complaints arise from a marginal School Administrator Evaluation Report issued to HU and her subsequent intra-district transfer.

As these complaints involve substantially the same parties and issues, the Board 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 Administrative Rules § 12-42-8(g)(13), these complaints and the proceedings thereon are hereby consolidated for disposition.

On December 10, 1987, during the prehearing conference, Complainant ELSIE L. HU [hereinafter referred to as HU], in Case No. CE-06-112, and Complainant HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME LOCAL 152, AFL-CIO [hereinafter referred to as HGEA], in Case No. CE-06-113, by and through their legal counsel, Colleen H. Sakurai, orally made a motion to stay proceedings in the instant complaints.

In her supporting argument, Complainants' counsel stated that there are arbitrable issues subject for determination in the instant complaints, and therefore, the Board should stay the proceedings in these cases, pending the arbitrator's decision.

Respondent BOARD OF EDUCATION [hereinafter referred to as BOE], by its attorney, moved to dismiss the instant complaints based upon the fact that the subject matters are now being considered through the collective bargaining agreement grievance process. Respondent's counsel further argued that the Board should not hold hearings on these complaints because it would be duplicative in nature and the Complainants should only proceed through the arbitration forum.

For good cause shown, the Board hereby grants Complainants' motion to stay proceedings on the instant complaints to allow the parties to utilize the grievance process which is now pending, and the Board shall retain jurisdiction in Case No. CE-06-112 and Case No. CE-06-113.


The Board further denies Respondent BOE's motion to dismiss the complaints.

DATED: Honolulu, Hawaii, January 6, 1988.

HAWAII LABOR RELATIONS BOARD


MACK H. HAMADA, Chairperson


JAMES R. CARRAS, Board Member


GERALD K. MACHIDA, Board Member

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