

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. CE-10-132
	)	
THOMAS LEPERE,	)	ORDER NO. 773
	)	
Complainant,	)	ORDER CONSOLIDATING CASES
	)	FOR DISPOSITION; NOTICE OF
and	)	PREHEARING CONFERENCE AND
	)	HEARING ON PROHIBITED PRAC-
JOHN WAIHEE, Governor, State	)	TICE COMPLAINTS
of Hawaii and DEPARTMENT OF	)	
CORRECTIONS, State of Hawaii,	)	
	)	
Respondents.	)	

_____	)	
In the Matter of	)	CASE NO. CU-10-65
	)	
THOMAS LEPERE,	)	
	)	
Complainant,	)	
	)	
and	)	
	)	
UNITED PUBLIC WORKERS, AFSCME,	)	
LOCAL 646, AFL-CIO,	)	
	)	
Respondent.	)	
_____	)	

ORDER CONSOLIDATING CASES FOR  
DISPOSITION; NOTICE OF PREHEARING CONFERENCE  
AND HEARING ON PROHIBITED PRACTICE COMPLAINTS

On February 6, 1990, Complainant THOMAS LEPERE filed a prohibited practice complaint with the Hawaii Labor Relations Board (Board).

The Complainant alleges that Respondents JOHN WAIHEE, Governor, State of Hawaii and DEPARTMENT OF CORRECTIONS, State of Hawaii violated Subsections 89-13(a)(6), (7), and (8),

Hawaii Revised Statutes (HRS), by violating Section 51 of the Unit 10 collective bargaining agreement, relating to the alleged failure to furnish a meal prior to the period of a required pre-shift briefing. The Complainant also alleges that Respondents refused to participate in good faith in the mediation, fact-finding, and arbitration procedures set forth in Section 89-11, HRS. Further, Complainant alleges that Respondents refused or failed to comply with the applicable provisions of Chapter 89, HRS.

Similarly, on February 6, 1990, Complainant THOMAS LEPERE filed a prohibited practice complaint with the Board.

The Complainant alleges that Respondent UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) violated Subsections 89-13(b)(2), (3), (4), and (5), HRS, by violating the terms of a collective bargaining agreement and breaching its fiduciary responsibility to its dues paying members at the Oahu Community Correctional Center. Complainant alleges that the UPW allegedly failed to take steps to process Complainant's grievance concerning a violation of Section 51 of the Unit 10 Agreement by the Employer although the UPW made similar claims at other facilities. The Complainant also alleges that the UPW allegedly failed to provide him with grievance forms from August 1989 to the present date. Further, the Complainant alleges that Respondent refused to participate in good faith in the mediation, fact-finding, and arbitration procedures set forth in

procedures set forth in Section 89-11, HRS. Finally, Complainant alleges that Respondent refused or failed to comply with the applicable provision of Chapter 89, HRS.

As these complaints involves 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.

YOU ARE HEREBY NOTIFIED that the Board, pursuant to Subsection 89-5(b)(4), HRS, and Administrative Rules Section 12-42-47, will conduct a prehearing conference on the above-entitled prohibited practice complaints on March 15, 1990 at 9:00 a.m. in the Board's hearings room, Room 203, 550 Halekauwila Street, Honolulu, Hawaii. The purpose of the prehearing conference is to arrive at a settlement or clarification of issues, to identify and exchange witnesses and exhibit lists, if any, and to the extent possible, reach an agreement on facts, matters or procedures which may facilitate and expedite the hearing or adjudication of the issues presented.

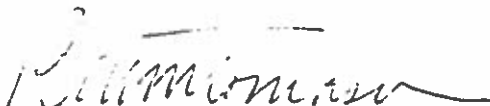
YOU ARE ALSO NOTIFIED that the Board will conduct a hearing, pursuant to §§ 89-5(b)(4) and 89-14, HRS, and Administrative Rules §§ 12-42-49 and 12-42-8(g) on the instant


complaints on March 28, 1990 at 9:00 a.m. in the above-mentioned hearings room. The purpose of the hearing is to receive evidence and arguments on whether Respondents committed prohibited practices as alleged by the Complainant. The hearing may continue from day to day until completed.

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

DATED: Honolulu, Hawaii, March 7, 1990.

HAWAII LABOR RELATIONS BOARD

  
BERT M. TOMASU, Chairperson

  
GERALD K. MACHIDA, Board Member

  
RUSSELL T. HIGA, Board Member

Copies sent to:

Thomas Lepere  
Herbert R. Takahashi, Esq.  
Colette H. Gomoto, Deputy Attorney General  
Joyce Najita, IRC