



DEPARTMENT OF CORRECTIONS, State of Hawaii violated Subsections 89-13(a)(4), (6), and (8), Hawaii Revised Statutes (HRS), by violating the terms of the Unit 10 Collective Bargaining Agreement--specifically Sections 1, 1.01, 1.02, 1.05, 3.02 and 11. In essence, the Complainant alleges that Respondents took unjust and improper actions by not allowing him to man any gun post or the use of any firearm as it relates to his duties as an Adult Correctional Officer. The Complainant also alleges that Respondents have abused their authority and have wrongfully, maliciously, discriminatorily and arbitrarily subjected him to discipline without just and proper cause.

Similarly, on April 17, 1990, Complainant JAMES SANDERS 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)(3), (4), and (5), HRS, by violating the terms of a collective bargaining agreement and breaching its duty of fair representation. Complainant alleges that UPW allegedly failed to take timely and appropriate steps to process Complainant's grievance concerning violations of Sections 1, 3, and 11 of the Unit 10 Agreement by the Employer. Further, the Complainant alleges that UPW refused to participate in good faith in the mediation, fact-finding, and arbitration procedures set forth in Section 89-11, HRS. Finally, Complainant alleges that UPW 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 May 31, 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 June 7, 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, May 16, 1990.

HAWAII LABOR RELATIONS BOARD

  
\_\_\_\_\_  
BERT M. TOMASU, Chairperson

  
\_\_\_\_\_  
GERALD K. MACHIDA, Board Member

  
\_\_\_\_\_  
RUSSELL T. HIGA, Board Member

Copies sent to:

James Sanders  
Colette H. Gomoto, Deputy Attorney General  
Herbert R. Takahashi, Esq.  
Joyce Najita, IRC