

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. CE-10-154
	)	
JAMES SANDERS,	)	ORDER NO. 825
	)	
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	)	
PUBLIC SAFETY, State of	)	
Hawaii,	)	
	)	
Respondents.	)	

In the Matter of	)	CASE NO. CU-10-76
	)	
JAMES SANDERS,	)	
	)	
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 12, 1991, Complainant JAMES SANDERS filed a prohibited practice complaint with the Hawaii Labor Relations Board (Board). The Complainant alleges, inter alia, that Respondents JOHN WAIHEE, Governor, State of Hawaii and DEPARTMENT OF PUBLIC SAFETY, State of Hawaii, violated Subsections 89-13(a)(4), (6), and (8), Hawaii Revised Statutes (HRS). In

essence, the Complainant alleges that Respondents took unjust and improper actions by not assigning him to a gun post or the use of any firearm as it relates to his duties as an Adult Corrections Officer.

Similarly, on February 12, 1991, Complainant JAMES SANDERS filed a prohibited practice complaint with the Board alleging 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 also 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.

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.

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 April 3, 1991 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. The parties shall file a Prehearing Statement which includes the foregoing matters with the Board two days prior to the prehearing conference.

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 April 10, 1991 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 15, 1991.


HAWAII LABOR RELATIONS BOARD

  
BERT M. TOMASU, Chairperson

JAMES SANDERS v. JOHN WAIHEE, Governor, State of Hawaii and  
DEPARTMENT OF PUBLIC SAFETY, State of Hawaii; JAMES SANDERS  
v. UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO  
CASE NOS. CE-10-154, CU-10-76  
ORDER NO. 825

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

  
GERALD K. MACHIDA, Board Member

  
RUSSELL T. BIGA, Board Member

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