

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CU-03-93
LEWIS W. POE,)	ORDER NO. 935
)	
Complainant,)	ORDER CONSOLIDATING CASES
)	FOR DISPOSITION; NOTICE OF
and)	PREHEARING CONFERENCE AND
)	HEARING ON PROHIBITED PRAC-
HAWAII GOVERNMENT EMPLOYEES)	TICE COMPLAINTS
ASSOCIATION, AFSCME, LOCAL 152,)	
AFL-CIO,)	
)	
Respondent.)	

In the Matter of)	CASE NO. CE-03-183
LEWIS W. POE,)	
)	
Complainant,)	
)	
and)	
)	
JOHN D. WAIHEE, Governor, State)	
of Hawaii; SHARON Y. MIYASHIRO,)	
Director, Department of Person-)	
nel Services, State of Hawaii)	
and REX D. JOHNSON, Director,)	
Department of Transportation,)	
)	
Respondents.)	

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

On March 10, 1993, Complainant LEWIS W. POE (POE) filed a prohibited practice complaint against the HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME LOCAL 152, AFL-CIO (HGEA) with the Hawaii Labor Relations Board (Board) in Case No. CU-03-93. The complaint alleges, inter alia, that the HGEA breached its duty of

fair representation when it failed or refused to represent him in his grievances regarding payroll computational errors.

Thereafter on March 18, 1993, POE filed a prohibited practice complaint against JOHN D. WAIHEE, Governor of the State of Hawaii; SHARON Y. MIYASHIRO, Director of the Department of Personnel Services; and REX D. JOHNSON, Director of the Department of Transportation (EMPLOYER) in Case No. CE-03-183. The complaint alleges violations of the bargaining unit 3 agreement because of payroll errors involving holiday pay and night differential.

As the 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 § 89-5(b)(4), HRS, and Administrative Rules § 12-42-47, will conduct a prehearing conference on the above-entitled prohibited practice complaints on April 15, 1993 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 witness and exhibit lists, if any, and to the extent possible, reach an agreement on facts, matters or procedures which will facilitate and expedite the hearing or adjudication of the issues presented. The parties shall file a Prehearing Statement which addresses 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 complaint on April 28, 1993 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. At the hearing, the parties shall submit four copies of any exhibits identified and introduced into the record to the Board. Additional copies for opposing counsel shall also be provided.

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

DATED: Honolulu, Hawaii, April 5, 1993.

HAWAII LABOR RELATIONS BOARD


BERT M. TOMASU, Chairperson


GERALD K. MACHIDA, Board Member


RUSSELL T. HIGA, Board Member

Copies sent to:
Lewis W. Poe
Charles K.Y. Khim, Esq.
Kathleen Racuya-Markrich, Deputy Attorney General
Joyce Najita, IRC