

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)
)
THOMAS LEPERE,)
)
 Complainant,)
)
 and)
)
UNITED PUBLIC WORKERS, AFSCME,)
LOCAL 646, AFL-CIO,)
)
 Respondent.)

CASE NO. CU-10-94
ORDER NO. 948
ORDER GRANTING RESPONDENT
UPW'S MOTION TO CONSOLIDATE
CASES FOR DISPOSITION; NOTICE
OF HEARING ON RESPONDENT
UPW'S MOTION FOR PARTIAL DIS-
MISSAL; NOTICE OF PREHEARING
CONFERENCE AND HEARING ON
PROHIBITED PRACTICE COM-
PLAINTS

In the Matter of)
)
THOMAS LEPERE,)
)
 Complainant,)
)
 and)
)
GEORGE SUMNER, Director,)
Department of Public Safety,)
)
 Respondent.)

CASE NO. CE-10-191

ORDER GRANTING RESPONDENT UPW'S MOTION TO
CONSOLIDATE CASES FOR DISPOSITION; NOTICE OF HEARING
ON RESPONDENT UPW'S MOTION FOR PARTIAL DISMISSAL; NOTICE OF
PREHEARING CONFERENCE AND HEARING ON PROHIBITED PRACTICE COMPLAINTS

On June 6, 1993, Complainant THOMAS LEPERE (LEPERE) filed a prohibited practice complaint against the UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) with the Hawaii Labor Relations Board (Board) in Case No. CU-10-94. The complaint alleges, inter alia, that the UPW breached its duty of fair representation when it failed or refused to represent him in his grievances regarding post assignments.

Thereafter on June 10, 1993, LEPERE filed a prohibited practice complaint against GEORGE SUMNER, Director, Department of Public Safety (EMPLOYER) in Case No. CE-10-191. Complainant alleges that the EMPLOYER violated various provisions of the bargaining unit 10 agreement regarding work unit seniority in post assignments.

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.

On July 1, 1993, Respondent UPW filed a motion for partial dismissal contending that LEPERE lacks standing to bring a prohibited practice charge on behalf of other employees.

YOU ARE HEREBY NOTIFIED that, pursuant to § 89-5(b)(4), HRS, and Administrative Rules §12-42-8, the Board will conduct a hearing on the foregoing motion on July 14, 1993 at 9:00 a.m. in the Board's hearings room, Room 203, 550 Halekauwila Street, Honolulu, Hawaii.

In addition, pursuant to § 89-5(b)(4), HRS, and Administrative Rules §12-42-47, the Board will conduct a prehearing conference on the above-entitled prohibited practice complaints on July 14, 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

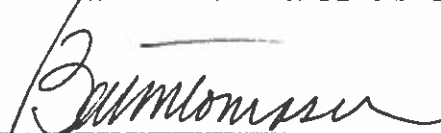
any, and to the extent possible, reach an agreement on facts, matters or procedures which will facilitate and expedite the hearing or adjudication of the issues presented. The parties shall file a Prehearing Statement which addresses the foregoing matters with the Board two days prior to the prehearing 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 July 21, 1993 at 9:30 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. Appropriate provisions of the notice issued on June 25, 1993 remaining applicable.

DATED: Honolulu, Hawaii, July 6, 1993.

HAWAII LABOR RELATIONS BOARD


BERT M. TOMASU, Chairperson


RUSSELL T. HIGA, Board Member

THOMAS LEPERE v. UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO
CASE NO. CU-10-94 and THOMAS LEPERE v. GEORGE SUMNER, Director,
Department of Public Safety, CASE NO. CE-10-191

ORDER NO. 948

ORDER GRANTING RESPONDENT UPW'S MOTION TO CONSOLIDATE CASES FOR
DISPOSITION; NOTICE OF HEARING ON RESPONDENT UPW'S MOTION FOR
PARTIAL DISMISSAL; NOTICE OF PREHEARING CONFERENCE AND HEARING
ON PROHIBITED PRACTICE COMPLAINTS

Sandra H. Ebesu

SANDRA H. EBESU, Board Member

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