

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. RA-01-214
)	
JAMES T. TAKUSHI, Director,)	ORDER NO. 1516
Department of Human Resources)	
Development, State of Hawaii,)	ORDER GRANTING PETITION
)	FOR INTERVENTION; NOTICE
Petitioner,)	OF PREHEARING CONFERENCE
)	AND HEARING ON PETITION
and)	
)	
UNITED PUBLIC WORKERS, AFSCME,)	
LOCAL 646, AFL-CIO,)	
)	
Intervenor.)	
)	

ORDER GRANTING PETITION FOR INTERVENTION; NOTICE
OF PREHEARING CONFERENCE AND HEARING ON PETITION

On July 22, 1997, Petitioner JAMES T. TAKUSHI, Director of Human Resources Development, State of Hawaii (TAKUSHI) filed a Petition for Clarification or Amendment of Appropriate Bargaining Unit with the Hawaii Labor Relations Board (Board). TAKUSHI states in an affidavit attached to the petition that his department reviewed two exempt Janitor positions at the Kauai Community College, Position Nos. 32712E and 32713E, and determined that the positions should be excluded from bargaining unit 01 because the positions were established to serve on a less than half-time basis. TAKUSHI stated that the department notified the UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) of the proposed exclusion and the UPW disagreed with the department's determination.

On July 31, 1997, the UPW, by and through its counsel, filed a Petition for Intervention with the Board. The UPW states that it is the exclusive bargaining representative of Unit 01,

which includes janitors in the State of Hawaii. The UPW contends that the creation of two part-time positions when 40 hours of work is available circumvents the intent of the Legislature under Chapter 89, Hawaii Revised Statutes (HRS). The UPW contends that it has statutory interests and rights and is interested in protecting bargaining unit work.

Based upon the record in this case, the Board finds that the UPW has alleged a sufficient interest for its participation in these proceedings, and therefore grants the UPW's Petition for Intervention pursuant to Administrative Rules § 12-42-8(g)(14).

YOU ARE HEREBY NOTIFIED that the Board, pursuant to § 89-5(b)(1), HRS, will conduct a prehearing conference in this matter on September 12, 1997 at 9:00 a.m., in the Board's hearing room, Room 434, 830 Punchbowl 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)(1), 89-5(b)(5), and 89-6(d), HRS, and Administrative Rules § 12-42-8(g) on the instant petition on September 26, 1997 at 9:00 a.m. in the above-mentioned hearings room. The purpose of the hearing is to receive evidence and

arguments on whether the subject positions should be excluded from Unit 01 as alleged by Petitioner. The hearing may continue from day to day until completed.

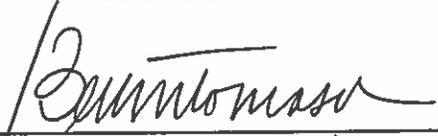
The parties shall submit four copies of any exhibits identified and introduced into the record to the Board. Additional copies for opposing counsel shall also be provided.

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

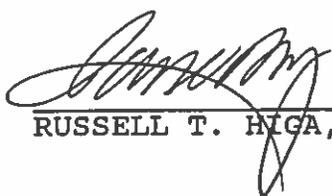
Auxiliary aids and services are available upon request, call Dolorita Kato at 586-8610, (808) 586-8847 (TTY), or 1-888-569-6859 (TTY neighbor islands). A request for reasonable accommodations should be made no later than ten working days prior to the needed accommodations.

DATED: Honolulu, Hawaii, August 21, 1997.

HAWAII LABOR RELATIONS BOARD



BERT M. TOMASU, Chairperson



RUSSELL T. HIGA, Board Member

Copies sent to:

Diana H. Kaapu, DHRD
Herbert R. Takahashi, Esq.
Joyce Najita, IRC