

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)

CHARLES R. BUNCH,)

Complainant,)

and)

HAWAII GOVERNMENT EMPLOYEES)
ASSOCIATION, AFSCME, LOCAL)
152, AFL-CIO; JOHN MURAKAMI;)
ALTON K. WATANABE; CHARLES KHIM,)
ESQ.; and DOES 1-20,)

Respondents.)

CASE NO. CU-03-99

ORDER NO. 1096

ORDER DENYING PETITIONS FOR
INTERVENTION

In the Matter of)

CHARLES R. BUNCH,)

Complainant,)

and)

COUNTY OF MAUI; DEPARTMENT OF)
LIQUOR CONTROL, County of Maui;)
FRANK SILVA, WAYNE PAGAN, and)
GLEN MUKAI, Department of Liquor)
Control, County of Maui;)
CLARENCE CHOW, HERMAN)
NASCIMENTO, MARY CABUSLAY, ELMER)
TOLENTINO, JAMES (MAC) LOWSEN,)
BUDDY FO, HELEN CHRISTMAN,)
WAYNE TAKEHARA, PETE GALICINAO,)
Liquor Control Commissioners;)
JOHN RAPACZ, Deputy Corporation)
Counsel, County of Maui; and)
DOE RESPONDENTS 1-10,)

Respondents.)

CASE NO. CE-03-221

ORDER DENYING PETITIONS FOR INTERVENTION

On July 15, 1994, Richard Cherry filed a Petition for Intervention in Proceeding with the Hawaii Labor Relations Board (Board) requesting to be co-complainant. On the same day, Arthur

De Lima, Sr. filed a similar petition to intervene in this proceeding.

On July 26, 1994, Respondent HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO (HGEA), by and through its counsel, filed memorandums in opposition to the respective petitions to intervene. The HGEA contends that the petitions should be denied because the averments raised by petitioners are not reasonably pertinent to the issues already presented by Complainant CHARLES BUNCH (BUNCH) and that their participation will unduly broaden the issues in this case.

Specifically, the HGEA contends that Petitioner Cherry was never a steward or alternate steward of the HGEA and was not directly affected by the rule changes complained of by BUNCH. Moreover, Petitioner Cherry never requested that grievances be filed on his behalf. The HGEA also contends that Petitioner De Lima was not removed from his steward's position and was also not directly affected by the rule changes.

On August 8, 1994, the COUNTY OF MAUI, et al. (COUNTY) by and through their counsel, filed a memorandum in opposition to the petitions for intervention. The COUNTY contends that the complaints are barred by the applicable statute of limitations and the petitioners have failed to exhaust the contract grievance procedures.

After a thorough review of the record, the Board hereby denies the subject petitions for intervention. The Board finds that the Petitioners do not allege a sufficient interest in the proceedings to be granted intervention. The facts indicate that

the Petitioners' interests are significantly different from Complainant BUNCH in that they were not allegedly improperly removed as alternate stewards nor were they directly affected by the allegedly improper rule change pertaining to social relationships. In addition, Petitioner Cherry indicates that he plans to file an additional prohibited practice charge and anticipates that it will be consolidated with this action. This additional charge clearly would broaden the scope of these proceedings. Finally, the Petitioners indicate that their interests are identical to that of the general public. The Board finds that such interest is not sufficient to support a petition for intervention. As such, the Board finds that Petitioners' intervention would be inappropriate in this case.

Based upon the foregoing, the Board hereby denies Petitioners Cherry and De Lima's Petitions for Intervention.

DATED: Honolulu, Hawaii, August 18, 1994.

HAWAII LABOR RELATIONS BOARD


BERT M. TOMASU, Chairperson


RUSSELL T. HIGA, Board Member


SANDRA H. EBESU, Board Member

Copies sent to:

Richard Cherry
Arthur De Lima, Sr.
Charles R. Bunch
Charles K.Y. Khim, Esq.
Howard M. Fukushima, Deputy Corporation Counsel
Joyce Najita, IRC