

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

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| In the Matter of |) | CASE NO. DR-03-56 |
| |) | |
| LEWIS W. POE, |) | ORDER NO. 1127 |
| |) | |
| Petitioner, |) | ORDER GRANTING PETITIONS |
| |) | FOR INTERVENTION |
| and |) | |
| |) | |
| HAWAII GOVERNMENT EMPLOYEES |) | |
| ASSOCIATION, AFSCME, LOCAL 152, |) | |
| AFL-CIO; JOHN D. WAIHEE, III, |) | |
| Governor, State of Hawaii; and |) | |
| UNITED PUBLIC WORKERS, AFSCME, |) | |
| LOCAL 646, AFL-CIO, |) | |
| |) | |
| Intervenors. |) | |
| |) | |

ORDER GRANTING PETITIONS FOR INTERVENTION

On October 26, 1994, the HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO (HGEA or Union), by and through its counsel, filed a Petition for Intervention with the Hawaii Labor Relations Board (Board). The HGEA alleges that Petitioner LEWIS W. POE (POE) is a member of Unit 03 who filed the instant petition to determine the meaning of certain provisions of the Unit 03 collective bargaining agreement and the application of Chapter 89, Hawaii Revised Statutes (HRS) to such provisions. The HGEA contends that as the exclusive bargaining representative of Unit 03, the Union has an interest in assuring the proper interpretation of the contract provisions which it negotiated.

As the filing of the HGEA's petition was timely and the HGEA has alleged sufficient interest for its participation in the proceedings, the Board finds that the HGEA will assist the Board in

developing a sound record in this case. The Board thus hereby grants the HGEA's Petition for Intervention pursuant to Administrative Rules § 12-42-8(g)(14).

At the Board conference held on November 16, 1994, counsels for JOHN D. WAIHEE, III, Governor of the State of Hawaii (Employer) and the UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW), respectively, requested additional time within which to file petitions for intervention in the instant matter. Petitioner POE had no objection to the extension of time to file the petitions. The Board therefore granted the Employer's and UPW's requests for additional time and ordered counsel to file their respective petitions for intervention with the Board by November 18, 1994.


On November 18, 1994, the Employer, by and through his counsel, filed a Petition for Intervention with the Board. The Employer alleges that he has a statutory right to negotiate the Unit 03 agreement and a contractual interest in preserving the provisions which POE seeks to invalidate.

In addition, on November 18, 1994, the UPW, by and through its counsel, filed a Petition for Intervention in this matter contending that the UPW has similar or comparable provisions in its contractual grievance procedure which are being challenged by Petitioner POE. The UPW contends that a decision by this Board may adversely affect the validity of those contractual provisions and as the exclusive representative of Units 01 and 10, the UPW seeks to intervene in this case.


As the filing of the Employer's and the UPW's petitions were timely and the Employer and the UPW have respectively alleged sufficient interests for their participation in the proceedings, the Board finds that the Employer and the UPW will assist the Board in developing a sound record in this case. The Board thus hereby grants the Employer's and UPW's Petitions for Intervention pursuant to Administrative Rules § 12-42-8(g)(14).

DATED: Honolulu, Hawaii, November 21, 1994.

HAWAII LABOR RELATIONS BOARD


BERT M. TOMASU, Chairperson


RUSSELL T. HIGE, Board Member


SANDRA H. EBESU, Board Member

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