

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of
HAWAII GOVERNMENT EMPLOYEES
ASSOCIATION, AFSCME LOCAL 152,
AFL-CIO,

Complainant,

and

JEREMY HARRIS, Mayor of the
City and County of Honolulu,

Respondent.

CASE NOS.: CE-02-245a
CE-03-245b
CE-04-245c
CE-09-245d
CE-13-245e

ORDER NO. 1176

ORDER DENYING OIP'S MOTION
FOR RECONSIDERATION AND
GRANTING HGEA'S MOTION FOR
CLARIFICATION; SECOND NOTICE
OF RESCHEDULED HEARING ON
PROHIBITED PRACTICE COMPLAINT

ORDER DENYING OIP'S MOTION FOR RECONSIDERATION AND
GRANTING HGEA'S MOTION FOR CLARIFICATION; SECOND NOTICE
OF RESCHEDULED HEARING ON PROHIBITED PRACTICE COMPLAINT

On April 10, 1995, the OFFICE OF INFORMATION PRACTICES (OIP), Department of the Attorney General, State of Hawaii, by and through its attorney, filed a Motion for Reconsideration of the Order Denying OIP's Petition for Intervention with the Hawaii Labor Relations Board (Board). OIP argued that it has a statutory right to intervene in this case pursuant to § 92F-42(16), Hawaii Revised Statutes (HRS), and that its participation in this matter would not unnecessarily broaden the issues for the Board's determination.

On April 11, 1995, Complainant HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME LOCAL 152, AFL-CIO (HGEA), by and through its attorney, filed a Motion for Clarification of Order Denying Petitioner in Intervention OIP's Motion for Intervention but Granting Petitioner in Intervention OIP Amicus Curiae Status. HGEA contended that OIP should not be allowed to make an opening

statement, present evidence, cross-examine witnesses, object to the introduction of evidence, or otherwise participate in the case, except to make a statement at the close of the taking of evidence.

The Board hereby denies OIP's motion for reconsideration on the basis that § 377-9, HRS, which is applicable to these proceedings pursuant to § 89-14, HRS, limits intervention in Board proceedings to persons "claiming interest in the dispute or controversy, as an employer, an employee or their representative."

In addition, the Board hereby grants HGEA's motion for clarification of OIP's amicus curiae status and limits OIP's participation in the proceedings to taking part in the preparation of the statement of facts, making an opening statement, presenting documentary evidence, requesting the Board to take official notice of facts, and submitting a closing brief.

Upon request of the parties, the Board hereby continues the hearing scheduled for April 19, 1995 until May 10, 1995 to allow the parties additional time to prepare the stipulated facts in this case.

YOU ARE HEREBY NOTIFIED that the Board will conduct a hearing on the instant complaint on May 10, 1995 at 9:00 a.m. in the Board's hearings room, Room 203, 550 Halekauwila Street, Honolulu, Hawaii. Appropriate provisions of the notice issued on March 3, 1995 remain applicable.

DATED: Honolulu, Hawaii, April 13, 1995.

HAWAII LABOR RELATIONS BOARD



Bert M. Tomasu
BERT M. TOMASU, Chairperson

HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME LOCAL 152, AFL-CIO
v. JEREMY HARRIS, Mayor of the City and County of Honolulu; CASE
NOS.: CE-02-245a, CE-03-245b, CE-04-245c, CE-09-245d, CE-13-245e
ORDER NO. 1176
ORDER DENYING OIP'S MOTION FOR RECONSIDERATION AND GRANTING HGEA'S
MOTION FOR CLARIFICATION; SECOND NOTICE OF RESCHEDULED HEARING ON
PROHIBITED PRACTICE COMPLAINT



RUSSELL T. HIGA, Board Member

Copies sent to:

Charles K.Y. Khim, Esq.
Debra A. Kagawa, Deputy Corporation Counsel
Hugh R. Jones, OIP Staff Attorney
Joyce Najita, IRC