

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. RA-01-206
)	
UNITED PUBLIC WORKERS, AFSCME,)	ORDER NO. 1177
LOCAL 646, AFL-CIO,)	
)	
Petitioner,)	ORDER GRANTING INTERVEN-
)	TION; NOTICE OF PREHEARING
and)	CONFERENCE AND HEARING ON
)	PETITION
)	
DEPARTMENT OF PARKS AND)	
RECREATION, County of Hawaii,)	
)	
Intervenor.)	

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

On March 29, 1995, the UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) filed a First Amended Petition for Clarification or Amendment of Appropriate Bargaining Unit with the Hawaii Labor Relations Board (Board). The UPW alleges that on or about November 17, 1994, the County of Hawaii, Department of Parks and Recreation, George Yoshida and Juliette Tulang (collectively Employer) notified the UPW that the Employer implemented a plan of reorganization of the Hoolulu Complex that resulted in splitting a full time, Unit 01 position into a 3/5ths time Unit 01 position and a 2/5th time non-Unit 01 position effective November 1, 1994. UPW alleges that such implementation of the reorganization occurred unilaterally and without its consent.

On April 13, 1995, the Department of Parks and Recreation, County of Hawaii (County), by and through its attorneys, filed a Petition for Intervention with the Board. The

County alleges that it is the public employer whose actions are being challenged in the subject petition and as such, it has an interest in defending its actions. In addition, the County alleges that it has an interest in preventing the misuse of this Board procedures to avoid the applicable statutes of limitations of the contractual grievance procedure or other Board procedures.

As the filing of the petition was timely and the County has alleged a sufficient interest for its participation in the proceedings, the Board hereby grants the subject 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) and 89-6(d), Hawaii Revised Statutes (HRS), will conduct a prehearing conference by conference call on the subject petition on April 27, 1995 at 9:00 a.m. Counsel will be contacted at their respective telephone numbers on file with the Board. The purpose of the prehearing conference is to arrive at a settlement or clarification of the 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 may facilitate and expedite the hearing or adjudication of the issues presented. The parties shall file a Prehearing Statement with the Board which addresses the foregoing matters 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 subject petition on May 17, 1995 at a location to be noticed. The purpose of the

hearing is to receive evidence and arguments on the instant petition and to determine whether clarification or amendment of the bargaining unit is appropriate.

At the hearing, the parties shall submit four copies of any exhibits identified and introduced into the record. 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.

DATED: Honolulu, Hawaii, April 19, 1995.

HAWAII LABOR RELATIONS BOARD



BERT M. TOMASU, Chairperson



RUSSELL T. HIGA, Board Member



SANDRA H. EBESU, Board Member

Copies sent to:

Peter Liholiho Trask, Esq.
Ivan M. Torigoe, Deputy Corporation Counsel
Joyce Najita, IRC