

STATE OF HAWAII  
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of	)	
HAWAII GOVERNMENT EMPLOYEES'	)	Case No. <u>RA-03-11</u>
ASSOCIATION, LOCAL 152, AFSCME,	)	<u>RA-04-12</u>
AFL-CIO,	)	<u>RA-13-13</u>
	)	
Petitioner,	)	
	)	
and	)	
STATE OF HAWAII,	)	Order No. <u>121</u>
	)	
Employer,	)	
	)	
and	)	
ELSIE OSHITA, FLORENCE MAEDA,	)	
FRANCIS S.C. FONG, DONALD E.	)	
GATELY, NED GLENN, WARREN Y.	)	
YAMADA, ROBERT MURASHIGE,	)	
et al.,	)	
	)	
Intervenors.	)	

ORDER GRANTING MOTIONS TO DISMISS  
PETITIONS FOR INTERVENTION

On April 11, 1977, Petitioner HGEA filed a motion to dismiss the petitions to intervene filed herein by the following 14 employees:

Francis S.C. Fong, [Donald] E. Gately, Warren Y. Imada, James M. Uyeda, Richard S. W. Young, Abe Miyasaka, James Asam, Angelo Charles De Meo, Calvin T. Masaki, Florence N. Chun, Charlotte F. Higa, Frances S. Kakasu, Beatrice Sugimoto, Doris Takeshita.

All of the aforesaid employees of the State had been granted intervenor status in these cases either by Order No. 100 or Order No. 116.

The Board's reason for granting such intervenor status was stated as follows in Order No. 100:

"The seven individual employees, all of whom occupy positions whose status and the terms and conditions of employment attached thereto could, as a direct and immediate result of these hearings, be changed by converting them from excluded to included positions have, in the opinion of this Board[,], an interest in these proceedings which is not speculative or remote. Moreover, the Board, in its discretion, has determined that permitting affected employees to participate, within reasonable limitations, in cases of this sort would foster the objectives of Chapter 89, HRS: to achieve harmonious employment relations in the government service and permit government employees a voice in their working conditions. Quite apart from these general concerns, if these employees have facts which would aid the Board in reaching a correct result in these proceedings, then the Board welcomes their participation. In this connection, it should be noted that the State, which is the employer of these employees, has no objections to these employees being permitted to intervene."

Amplifying upon the role of employees in unit clarification hearings, this Board stated in Order No. 113:

"Thus, this Board, while of the opinion that the subject employees are not indispensable parties, will, within reasonable boundaries, allow employee participation in unit determination and clarification proceedings to the extent such participation will serve, not subvert, the purpose of Chapter 89, HRS."

All of the aforesaid 14 intervenors had alleged, as the sole basis of their statutory or other right in the subject proceeding, that they occupied excluded positions which were slated for inclusion in an appropriate unit pursuant to a stipulation between the Petitioner and the State of Hawaii.

They also asserted:

"As a direct and immediate result of the hearings, Petitioner may be converted from an excluded to an included position and be required to pay service fees as provided by law. Petitioner believes that testimony to be presented would aid the Board in reaching a correct result in said position."

Since their intervention, the situation has changed. The amended petitions for unit clarification filed by Petitioner HGEA now before this Board do not include excluded positions occupied by the aforesaid persons. They are not slated for inclusion in an appropriate unit, their status will

not change as a result of the pending cases, and their participation under these circumstances would unduly broaden the issues in these cases.

Accordingly the Orders granting the above-named 14 individuals intervenor status herein are, to the extent they make said persons intervenors, revoked.

On April 20, 1977, Petitioner HGEA filed a Supplemental Motion to Dismiss Petitions for Intervention filed herein by Satoru Hironaga and Irenne D. Pinero.

Both Mr. Hironaga and Ms. Pinero assert as their sole statutory or other right to intervene the same assertions, noted above, which were made by the other employees who are the subject of this Order.

The excluded positions Mr. Hironaga and Ms. Pinero occupy, similarly are not subjects of these hearings and are not slated for inclusion in an appropriate unit. They have shown no statutory or other right to intervene in these proceedings; their intervention would unduly broaden the issues in the subject cases. For these reasons, their motions to intervene are dismissed.

The motions of Petitioner HGEA are granted.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

  
Mack H. Hamada, Chairman

  
James K. Clark, Board Member

  
John E. Milligan, Board Member

Dated: April 27, 1977

Honolulu, Hawaii