

STATE OF HAWAII
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of)	
)	
DONALD BOTELHO, DIRECTOR OF)	
PERSONNEL SERVICES, STATE OF)	Case No. <u>DR-01-17(a)</u>
HAWAII,)	<u>DR-01-17(b)</u>
)	
Petitioner,)	Order No. <u>122</u>
)	
and)	
)	
UNITED PUBLIC WORKERS,)	
LOCAL 646, AMERICAN FEDERATION)	
OF STATE, COUNTY AND MUNICIPAL)	
EMPLOYEES, AFL-CIO,)	
)	
and)	
)	
HAWAII GOVERNMENT EMPLOYEES')	
ASSOCIATION, LOCAL 152, AFSCME,)	
AFL-CIO,)	
)	
Intervenors.)	
)	

ORDER GIVING NOTICE OF INTENT TO DISMISS CASE

The above-referenced case was filed by Petitioner more than one year ago on April 13, 1976.

On June 29, 1976, this Board issued Order No. 57 whereby the Board agreed to hold its decision in the case in abeyance pending the outcome of attempts to resolve the instant dispute through utilization of contractual procedures.

There has been no further activity on this case before the Board and no communication about the case to the Board. Accordingly, Petitioner is directed to notify this Board, through his attorney, no later than Monday, May 16, 1977, of his intent and readiness to proceed with this case.

If Petitioner intends to pursue this case, he is directed to file, at the time he so notifies the Board, a memorandum of law on the following legal issues:

1. Why the decision of the Circuit Court for the First Circuit in Civil Nos. 44559, 44580, and 44563, Judgment filed November 13, 1975, does not preclude this Board from taking jurisdiction of this case.

2. A discussion of what statutory provision applies to the controversy and how it applies to it. It should be noted that Section 91-8, Hawaii Revised Statutes, empowers this Board to issue declaratory orders only "as to the applicability of any statutory provision or of any rule or order of the agency."

Intervenors may file memoranda on these legal questions also.

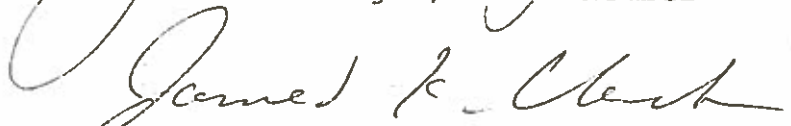
The filing deadline for all memoranda from all parties is 4:30 p.m., Monday, May 16, 1977. All memoranda shall be accompanied by proof of service on all other parties.

If Petitioner notifies this Board that he no longer desires to pursue this case, or fails to meet any of the above requirements, this case will be dismissed.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD


Mack H. Hamada, Chairman


John E. Milligan, Board Member


James K. Clark, Board Member

Dated: May 2, 1977

Honolulu, Hawaii