

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. DR-03-66
LEWIS W. POE,	)	ORDER NO. 1515
	)	
Petitioner,	)	ORDER GRANTING PETITIONS FOR
	)	INTERVENTION AND NOTICE OF
and	)	OF BOARD CONFERENCE ON PETI-
	)	TION FOR DECLARATORY RULING
HAWAII GOVERNMENT EMPLOYEES	)	
ASSOCIATION, AFSCME, LOCAL 152,	)	
AFL-CIO and BENJAMIN J.	)	
CAYETANO, Governor, State of	)	
Hawaii,	)	
	)	
Intervenors.	)	

---

ORDER GRANTING PETITIONS FOR INTERVENTION AND NOTICE  
OF BOARD CONFERENCE ON PETITION FOR DECLARATORY RULING

On July 17, 1997, LEWIS W. POE (POE) filed a Petition for Declaratory Ruling with the Hawaii Labor Relations Board (Board). POE, a member of Unit 03, alleged that he had filed several grievances with his employer. POE seeks a ruling as to the applicability of §§ 89-8 and 89-10, Hawaii Revised Statutes (HRS), and Decision No. 371 in determining whether he would retain his rights as a grievant in the grievance process if he were no longer an employee. On July 22, 1997, the Board issued a Notice of Receipt of Petition for Declaratory Ruling and deadline for Filing Petitions for Intervention to the public employers and public employee unions, setting August 8, 1997 as the deadline for filing petitions for intervention.

On August 7, 1997, the HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO (HGEA), by and through its

attorney, filed a Petition for Intervention with the Board. The HGEA contends that it is a party to the Unit 03 collective bargaining agreement (contract) and has a right to ensure that the provisions in the contract are protected from misinterpretation and harm. The HGEA contends that POE's petition requests an interpretation of certain provisions in the agreement and that POE's interest is contrary to the HGEA's interest inasmuch as POE seeks to pursue grievances even when he is no longer an employee.

On August 8, 1997, BENJAMIN J. CAYETANO, Governor, State of Hawaii (CAYETANO or State), by and through his attorneys, filed a Petition for Intervention in this case. CAYETANO states that the State is a party to the collective bargaining agreement and is obliged to process grievances under the contract and the civil service rules. CAYETANO contends that the State's exposure to liability will be directly impacted by a Board declaration that it is obliged to process grievances for former employees.

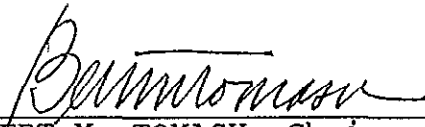
Based upon a review of the record in this case, the Board finds that the HGEA and CAYETANO are parties to the contract and have significant interests in participating in these proceedings since the instant petition may involve the interpretation of the Unit 03 contract and Chapter 89, HRS, and which may affect pending and future grievances filed by POE. As the HGEA and CAYETANO have filed timely petitions for intervention with the Board and have alleged sufficient interests for their participation in these proceedings, the Board hereby grants their petitions for intervention.

YOU ARE HEREBY NOTIFIED that the Board will conduct a Board conference in this matter on September 12, 1997 at 9:30 a.m., in the Board's hearings room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.

Auxiliary aids and services are available upon request, call Dolorita Kato at 586-8610, (808) 586-8847 (TTY), or 1-888-569-6859 (TTY neighbor islands). A request for reasonable accommodations should be made no later than ten working days prior to the needed accommodations.

DATED: Honolulu, Hawaii, August 21, 1997.

HAWAII LABOR RELATIONS BOARD

  
\_\_\_\_\_  
BERT M. TOMASU, Chairperson

  
\_\_\_\_\_  
RUSSELL T. HIGA, Board Member

Copies sent to:

Lewis W. Poe  
Charles K.Y. Khim, Esq.  
James E. Halvorson, Deputy Attorney General  
Joyce Najita, IRC