

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NOS.:	DR-01-68a
	)		DR-02-68b
BENJAMIN J. CAYETANO, Governor,)		
State of Hawaii,	)	ORDER NO.	1570
)		
Petitioner,	)	ORDER GRANTING PETITIONS	
	)	FOR INTERVENTION AND	
and	)	HGEA'S MOTION FOR CON-	
	)	TINUANCE; NOTICE OF DEAD-	
HAWAII GOVERNMENT EMPLOYEES	)	LINE TO FILE MEMORANDA	
ASSOCIATION, AFSCME, LOCAL 152,)		
AFL-CIO; UNITED PUBLIC WORKERS,)		
AFSCME, LOCAL 646, AFL-CIO;)		
JEREMY HARRIS, Mayor, City and)		
County of Honolulu; STEPHEN K.)		
YAMASHIRO, Mayor, County of)		
Hawaii; MARYANNE KUSAKA, Mayor,)		
County of Kauai; and LINDA)		
LINGLE, Mayor, County of Maui,)		
)		
Intervenors.)		
)		

ORDER GRANTING PETITIONS FOR INTERVENTION AND HGEA'S
MOTION FOR CONTINUANCE; NOTICE OF DEADLINE TO FILE MEMORANDA

On November 7, 1997, the HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO (HGEA), by and through its counsel, filed a petition for intervention with the Hawaii Labor Relations Board (Board). The HGEA alleges that it is the exclusive representative for bargaining unit 02 and which is a party to the collective bargaining agreement which covers employees who may be considered for temporary assignments rather than bargaining unit 01 employees. The HGEA contends that it has a right to protect the interests of its membership to obtain temporary assignments.

Thereafter on November 10, 1997, the UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW), by and through its

counsel, filed a petition for intervention with the Board. The UPW contends that it is the exclusive representative for Unit 01 member William Kapuwai whose grievance purportedly prompted the State of Hawaii to file the instant petition for declaratory ruling. The UPW contends that the Unit 01 contract establishes the applicable terms and conditions of employment pertaining to temporary assignments for Unit 01 employees. Moreover, the UPW contends that it is familiar with the relevant factual context in which the dispute arose and would assist in the development of a sound record.

On November 18, 1997, the CITY AND COUNTY OF HONOLULU, by and through its attorney, and on November 21, 1997, the counties of HAWAII, KAUAI, and MAUI, by their respective counsel (collectively County Employers) filed petitions for intervention with the Board. The County Employers in essence contend that they are parties to the Units 01 and 02 contracts and while BENJAMIN J. CAYETANO, Governor, State of Hawaii, has similar interests in this proceeding, the County Employers contend that their interests should also be considered because any decision would affect their temporary assignment decisions. The County Employers also submit that in view of their interests, they should be permitted to state their respective positions to the Board.

As the filing of the foregoing petitions for intervention was timely and the HGEA, UPW, and each County Employer has alleged a sufficient interest for their participation in these proceedings, the Board hereby grants the petitions for intervention pursuant to Administrative Rules § 12-42-8(g) (14).


On December 19, 1997, the HGEA, by and through its counsel, filed a motion for continuance with the Board requesting that any hearings, deadlines, or proceedings be scheduled on or after January 12, 1998 because of conflicts in counsel's schedule.

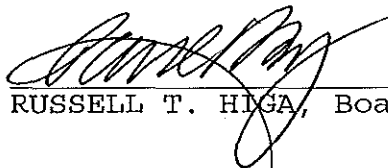
For good cause shown, the Board hereby grants the HGEA's motion for continuance.

YOU ARE HEREBY NOTIFIED that the Board requests that each party file a memorandum of authorities with the Board containing a full discussion of the reasons, including legal authorities, in support of their position on the issues presented in the instant petition by 4:30 p.m. on January 21, 1998.

DATED: Honolulu, Hawaii, December 31, 1997.

HAWAII LABOR RELATIONS BOARD


BERT M. TOMASU, Chairperson


RUSSELL T. HIGA, Board Member


CHESTER C. KUNITAKE, Board Member

Copies sent to:

Kathleen M. Sato, Deputy Attorney General
Charles K.Y. Khim, Esq.
Herbert R. Takahashi, Esq.
T. Lowell Wolf, Deputy Corporation Counsel
Ted H.S. Hong, Assistant Corporation Counsel
Margaret Hanson, Deputy County Attorney
John T. Pierce, Deputy Corporation Counsel
Joyce Najita, IRC