

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. DR-03-67
	)	
LEWIS W. POE,	)	ORDER NO. 1665
	)	
Petitioner,	)	ORDER GRANTING HGEA'S PETI-
	)	TION FOR INTERVENTION AND
and	)	DENYING UHPA'S PETITION FOR
	)	INTERVENTION; NOTICE OF
HAWAII GOVERNMENT EMPLOYEES	)	DEADLINE FOR SUBMISSION OF
ASSOCIATION, AFSCME, LOCAL 152,	)	RESPONSES TO PETITION FOR
AFL-CIO,	)	DECLARATORY RULING
	)	
Intervenor.	)	
_____	)	

ORDER GRANTING HGEA'S PETITION FOR INTERVENTION AND  
DENYING UHPA'S PETITION FOR INTERVENTION; NOTICE OF DEADLINE  
FOR SUBMISSION OF RESPONSES TO PETITION FOR DECLARATORY RULING

On August 14, 1997, LEWIS W. POE (POE) filed a Petition for Declaratory Ruling with the Hawaii Labor Relations Board (Board) regarding the validity of a contract article referred to as Article "X". POE, a Unit 03 member, alleges that the exclusive representative and the employer entered into a Memorandum of Agreement (MOA) pursuant to a contract reopener, which resulted in Article 55 of the Unit 03 collective bargaining agreement. POE contends that the MOA is a collective bargaining agreement which is subject to ratification under § 89-10, Hawaii Revised Statutes (HRS). In addition, POE contends that the collective bargaining agreement must be filed with the Board in accordance with Administrative Rules § 12-42-128 to be valid.

On September 3, 1997, the Board set September 17, 1997 as the deadline for submitting petitions for intervention in this case.

On September 5, 1997, the HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO (HGEA) filed a petition for intervention with the Board. The HGEA alleges that it is a party to the Unit 03 collective bargaining agreement and the HGEA has an interest in ensuring that its memorandum of understanding is properly interpreted and applied.

On September 17, 1997, the University of Hawaii Professional Assembly (UHPA) filed a petition for intervention with the Board. UHPA alleged that in the past it has entered into memorandum agreements with the employer without conducting ratification votes. UHPA further alleged that its interests could be affected if the Board declares that a memorandum agreement requires ratification by bargaining unit members. UHPA contends that it seeks to support HGEA's arguments and provide the Board with a broader perspective from the exclusive representative's viewpoint.

On September 24, 1997, POE filed a statement of objection to UHPA's petition for intervention contending that UHPA failed to properly file its petition with a certificate of service. In addition, POE stated that he believed that any Board decision has no effect on Unit 07 interests.

After reviewing the record and the submissions of the parties, the Board finds that the HGEA has alleged a sufficient interest to permit its intervention in these proceedings. Thus, the Board grants HGEA's petition for intervention pursuant to Administrative Rules § 12-42-8(g)(14).


With respect to UHPA's petition for intervention, UHPA failed to comply with the Board's rules by failing to file a

certificate of service with its petition. In addition, since the instant petition involves the Unit 03 MOA, the Board finds that UHPA has not alleged a sufficient interest to participate herein. UHPA's interests will be adequately represented by the HGEA. Accordingly, UHPA's petition for intervention is denied.

YOU ARE HEREBY NOTIFIED that responses to the instant petition, as clarified, shall be filed with the Board by the close of business on September 30, 1998.

DATED: Honolulu, Hawaii, September 8, 1998.

HAWAII LABOR RELATIONS BOARD

  
BERT M. TOMASU, Chairperson

  
RUSSELL T. HIGA, Board Member

  
CHESTER C. KUNITAKE, Board Member

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