

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. DR-01-90
HARRY KIM, Mayor, County of Hawaii and	)	ORDER NO. 2217
PATRICIA ENGELHARD, Director, Department of Parks and Recreation, County of Hawaii,	)	ORDER GRANTING PETITIONS FOR INTERVENTION; AND NOTICE OF BOARD CONFERENCE
Petitioners,	)	
and	)	
UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO; HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO; COUNTY OF MAUI; and KATHLEEN N.A. WATANABE, Director, Department of Human Resources Development, State of Hawaii,	)	
Intervenors.	)	

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ORDER GRANTING PETITIONS FOR INTERVENTION; AND NOTICE OF BOARD CONFERENCE

On September 8, 2003, the UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) filed a Petition for Intervention with the Hawaii Labor Relations Board (Board). Thereafter, the HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO, the COUNTY OF MAUI, and KATHLEEN N.A. WATANABE, Esq., Director, Department of Human Resources Development, State of Hawaii filed their respective Petitions for Intervention in this matter. The respective Petitioners for Intervention are public employers or employee organizations under Hawaii Revised Statutes (HRS) § 89-2 and allege an interest in the outcome of this proceeding.

Based on the foregoing, the Board finds that the Petitioners for Intervention have alleged sufficient interests to intervene in this case and accordingly, the Board grants the respective petitions for intervention pursuant to Hawaii Administrative Rules (HAR) §§ 12-42-8(g)(14).

On September 15, 2003, the UPW filed a Motion to Dismiss contending that there is good cause to refuse to issue a declaratory ruling in this matter because the Board lacks jurisdiction over this matter which was resolved by a court confirmation of the arbitration award at issue; the petition is untimely; and the claim for relief undermines

fundamental public policies favoring the final resolution of disputes by arbitration and the merit principles.

NOTICE IS HEREBY GIVEN that the Board will conduct a conference in this matter on September 30, 2003 at 9:00 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii to clarify the issues presented, set hearing dates or deadlines for briefing, if any, and discuss any other matters or procedures which will facilitate resolution of the instant declaratory ruling petition. Counsel for Petitioners and Intervenor COUNTY OF MAUI, respectively, may request to participate in the prehearing conference by conference call by notifying the Board at least one day in advance of the conference. Counsel for Intervenor UPW shall serve its Motion to Dismiss filed on September 15, 2003 on respective counsel for Intervenors MAUI COUNTY and KATHLEEN N.A. WATANABE and shall file a certificate of service with the Board.

All parties have the right to appear in person and to be represented by counsel or other representative.

Auxiliary aids and services are available upon request; call the Board at (808) 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 accommodation.

DATED: Honolulu, Hawaii, September 17, 2003.

HAWAII LABOR RELATIONS BOARD

  
BRIAN K. NAKAMURA, Chair

  
CHESTER C. KUNITAKE, Member

Copies sent to:

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