

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

UNITED PUBLIC WORKERS, AFSCME,
LOCAL 646, AFL-CIO,

Petitioner,

and

LINDA LINGLE, Governor, State of Hawaii;
HAWAII GOVERNMENT EMPLOYEES
ASSOCIATION, AFSCME, LOCAL 152,
AFL-CIO; and MUFI HANNEMANN,
Mayor, City and County of Honolulu,

Intervenors.

CASE NOS.: DR-01-93a
DR-10-93b

ORDER NO. 2427

ORDER GRANTING PETITIONS FOR
INTERVENTION

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On January 23, 2007, Petitioner UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO ("UPW"), by and through its attorney, filed the instant Petition for Declaratory Ruling with the Hawaii Labor Relations Board ("Board"). On January 29, 2007, the Board issued a Notice of Filing of Petition for Declaratory Ruling which set February 14, 2007 as the deadline for interested parties to file a of Petition for Intervention.

On February 2, 2007, Governor LINDA LINGLE ("LINGLE"), by and through her attorneys, filed a Petition for Intervention with the Board. LINGLE alleges, *inter alia*, that she is an employer under Hawaii Revised Statutes ("HRS") Chapter 89 and has the right to request the issuance of subpoenas under HRS § 89-5(i)(5), Hawaii Administrative Rules ("HAR") § 12-42-8(g)(7) and under HRS Chapter 658A. Thus LINGLE asserts she has an interest which may be affected by a ruling in this case.

Thereafter, on February 13, 2007, the HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO ("HGEA") filed a Petition for Intervention in this matter. The HGEA is the exclusive representative of Units 02, 03, 04, 06, 08, 09 and 13 and seeks to protect the right of public employees to engage in collective bargaining.

On February 14, 2007, MUFI HANNEMANN, Mayor, City and County of Honolulu ("HANNEMANN") filed a Petition for Intervention alleging that he is a public

employer and has the right to request the issuance of subpoenas. HANNEMANN submits that the Hawaii Supreme Court recognized that in order for an employee to bring an action against an employer for breach of a collective bargaining agreement, the employee must “prove that the union as bargaining agent breached its duty of fair representation in its handling of the employee’s grievance.” Thus records requested in a civil action are relevant in order to determine whether any breach occurred.

Based on the foregoing, the Board finds that LINGLE, the HGEA and HANNEMANN filed timely Petitions for Intervention and have alleged sufficient interests to intervene in this case. Accordingly, the Board grants the instant petitions for intervention pursuant to HAR §§ 12-42-8(g)(14) and 12-42-9(e).

DATED: Honolulu, Hawaii, February 21, 2007.

HAWAII LABOR RELATIONS BOARD



BRIAN K. NAKAMURA, Chair



EMORY J. SPRINGER, Member



SARAH R. HIRAKAMI, Member

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