

order file

STATE OF HAWAII
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of)	Case No. <u>DR-09-35</u>
HAWAII NURSES ASSOCIATION,)	Order No. <u>246</u>
Petitioner.)	
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ORDER DISMISSING CASE

On April 2, 1979, in Case No. R-09-15, the Hawaii Government Employees' Association (hereafter HGEA) filed a petition for certification as exclusive bargaining representative for Unit 9. The Hawaii Nurses Association (hereafter HNA) petitioned for and was granted intervention in said case.

Subsequently, on April 24, 1979, HNA filed the above-referenced declaratory ruling case. In the petition, HNA requested a declaratory ruling as to whether pursuant to HRS §89-6(a), three separate votes must be taken in the certification election to be ordered in R-09-15 to determine the following:

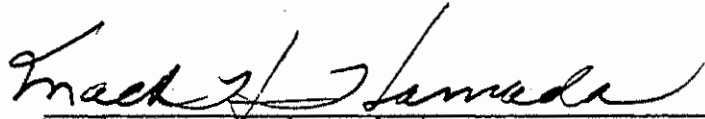
- (1) Whether a majority of Unit 9 employees desire a separate, optional bargaining unit;
- (2) Whether a majority of both supervisory and nonsupervisory employees desire the inclusion of supervisory employees in such a bargaining unit;
- (3) What, if any, employee organization is to exclusively represent said bargaining unit.

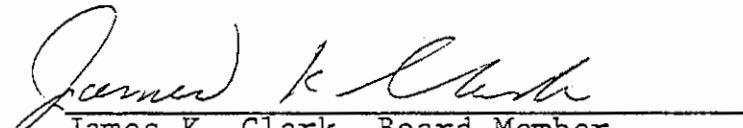
On April 26, 1979, prior to a hearing in Case No. R-09-15, counsel for HNA raised and argued the issue as to whether the Board should entertain the instant request for

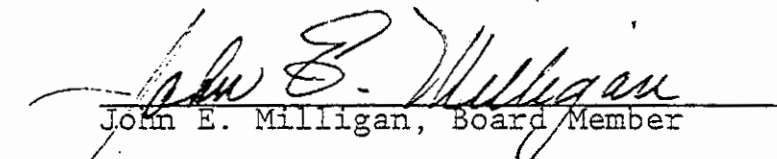
declaratory ruling. After hearing and considering arguments by counsel for both the HNA and the HGEA, the Board is of the opinion that pursuant to Rule 1.09(f), it must refuse to entertain the instant petition for good cause. The Board finds that such good cause exists because the declaratory ruling request presents only a legal question as to the proper statutory interpretation of HRS 89-6(a), which can be adequately and appropriately considered to the extent necessary in the pending case, R-09-15. There are no underlying factual issues presented by the instant petition which would merit the separate proceedings which the petitioner HNA requests.

For all of the foregoing reasons, the petition for declaratory ruling is dismissed with prejudice.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD


Mack H. Hamada, Chairman


James K. Clark, Board Member


John E. Milligan, Board Member

Dated: April 30, 1979

Honolulu, Hawaii