

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of

HARRY KAHOANO, Jr.,

Petitioner,

and

CITY AND COUNTY OF HONOLULU and  
LINDA LINGLE, Governor, State of Hawaii,

Intervenors.

CASE NO. DR-12-98

ORDER NO. 2514

ORDER GRANTING PETITIONS FOR  
INTERVENTION AND GRANTING  
WITHDRAWAL OF PETITION FOR  
DECLARATORY RULING

ORDER GRANTING PETITIONS FOR INTERVENTION AND  
GRANTING WITHDRAWAL OF PETITION FOR DECLARATORY RULING

On May 8, 2008, Petitioner HARRY KAHOANO, JR. (KAHOANO), pro se, filed a Petition for Declaratory Ruling (Petition) with the Hawaii Labor Relations Board (Board) contending, among other things, that Policy No. 3.44, Limited-duty assignment, violates the State of Hawaii Organization of Police Officers (SHOPO) agreement articles 55 and 38 and constitutes a work stoppage or lockout. On May 9, 2008, the Board issued a Notice of Filing of Petition for Declaratory Ruling; Notice of Deadline for Filing Petitions for Intervention; and Notice of Board Conference which set May 27, 2008 as the deadline to file any petitions for intervention.

On May 27, 2008, the CITY AND COUNTY OF HONOLULU (CITY), by and through its counsel, filed a Petition for Intervention with the Board in this matter. The CITY alleges that it is a public employer as defined in Hawaii Revised Statutes (HRS) § 89-2 and Hawaii Administrative Rules § 12-42-(g) (sic) and a party to the SHOPO collective bargaining agreement (CBA) of which Petitioner is a member. The CITY contends that any Board determination or interpretation regarding the SHOPO CBA or Honolulu Police Department (HPD) Policy would impact the CITY as an employer and the functions of the CITY and HPD warranting their participation in these proceedings.

Also on May 27, 2008, LINDA LINGLE, Governor, State of Hawaii (LINGLE), by and through her counsel, filed a Petition for Intervention with the Board. LINGLE alleges that she is the largest public employer in the state and has an interest in preserving the public policy expressed in HRS § 80-10.8 (sic), favoring the arbitration of contractual disputes and contends that any Board decision eroding the duty to exhaust

contractual remedies would adversely affect the contractual and statutory rights of all public employees.

Based on the record and a review of the instant timely Petitions for Intervention, the Board recognizes that the CITY and LINGLE represent different public employer interests which may be impacted by a Board decision in this case sufficient to warrant their respective intervention. Accordingly, the Board grants the respective Petitions for Intervention pursuant to Hawaii Administrative Rules (HAR) §§ 12-42-8(g)(14) and 12-42-9(e).

On June 4, 2008, the Board conducted a conference in this matter, attended by KAHOANO, pro se, Keaookalani Mattos, Deputy Corporation Counsel, appearing for the CITY, and Richard H. Thomason, Deputy Attorney General, appearing for LINGLE. After presenting his position on the merits of the instant petition, KAHOANO indicated that his grievance was pending at Step 3 and that he wanted to pursue his remedy through the contractual grievance procedure and accordingly withdraw this petition.

Based on the foregoing, the Board hereby grants the withdrawal of the instant petition and dismisses this case.

DATED: Honolulu, Hawaii, June 4, 2008.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



EMORY J. SPRINGER, Member



SARAH R. HIRAKAMI, Member

Copies sent to:

Harry Kahoano, Jr.  
Keaookalani Mattos, Deputy Corporation Counsel  
Richard H. Thomason, Deputy Attorney General