

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of

EDDY CONWAY,

Complainant,

and

HAWAII GOVERNMENT EMPLOYEES  
ASSOCIATION, AFSCME, LOCAL 152,  
AFL-CIO,

Respondent,

and

DEPARTMENT OF LABOR AND  
INDUSTRIAL RELATIONS, State of  
Hawaii,

Intervenor.

CASE NO. CU-13-268

ORDER NO. 2557

ORDER GRANTING DEPARTMENT OF  
LABOR AND INDUSTRIAL  
RELATIONS' PETITION FOR  
INTERVENTION; NOTICE OF FILING  
DEADLINES; AND NOTICE OF  
HEARING ON PENDING MOTIONS

ORDER GRANTING DEPARTMENT OF LABOR AND  
INDUSTRIAL RELATIONS' PETITION FOR INTERVENTION; NOTICE  
OF FILING DEADLINES; AND NOTICE OF HEARING ON PENDING MOTIONS

On October 28, 2008, the Hawaii Labor Relations Board (Board) conducted a second prehearing/settlement conference in this matter. With respect to the Motion for Board Enforcement of Section 12-42-8(a)(7) of the Board's Rules of Practice and Procedure (Motion for Enforcement) filed by Respondent HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO (HGEA), by and through its counsel, on October 1, 2008, to obtain a valid address for Complainant EDDY CONWAY (Complainant or CONWAY) in order to serve its pleadings upon him, Complainant supplied his address to HGEA's counsel and the HGEA withdrew its Motion for Enforcement.

With respect to the Petition for Intervention (Petition) filed by the DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, State of Hawaii (State), CONWAY had no objections to the State's Petition. In addition, on October 28, 2008, the HGEA filed a Statement of No Objection to Department of Labor and Industrial Relations' Petition to Intervene Filed on September 15, 2008. Accordingly, based on a review of the Petition and the lack of objection thereto, the Board finds that the State has

alleged sufficient interest in this matter which could be impacted by a Board decision in this case. Accordingly, the Board grants the State's Petition pursuant to Hawaii Administrative Rules (HAR) §§ 12-42-8(g)(14) and 12-42-9(e).

The Board also scheduled the following deadlines for the parties to file their respective responses to pending motions. Respondents shall file any response to Complainant's Motion for Leave to File a First Amended Complaint (Motion to Amend), filed on October 28, 2008 by the close of business on **November 5, 2008**. In the event Complainant's Motion to Amend is granted, Respondents shall file any amendments or supplements to their respective motions, i.e., the State's Motion to Dismiss Prohibited Practice Complaint Filed September 8, 2008 (sic), filed on October 20, 2008 and HGEA/AFSCME's Motion to Defer the Prohibited Practice Complaint Filed September 9, 2008 to the Unit 13 Grievance Procedure, filed on October 28, 2008, by the close of business on **November 17, 2008**. Complainant shall file any response to the Respondents' motions (whether amended or supplemented, or not) by the close of business on **November 24, 2008**.

YOU ARE HEREBY NOTIFIED that pursuant to Hawaii Revised Statutes (HRS) §§ 89-5(i)(4) and (i)(5) and 89-14, and HAR § 12-42-8(g), the Board will conduct a hearing on Respondents' foregoing motions on **December 4, 2008** at 9:00 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.

DATED: Honolulu, Hawaii, October 28, 2008.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



EMORY J. SPRINGER, Member

Copies sent to:

Eddy Conway  
Peter Liholiho Trask, Esq.  
David Fitzpatrick, Deputy Attorney General