

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

UNIVERSITY OF HAWAII
PROFESSIONAL ASSEMBLY,

Petitioner,

and

HAWAII STATE TEACHERS
ASSOCIATION; UNIVERSITY OF
HAWAII LABORATORY SCHOOL;
HAWAII GOVERNMENT EMPLOYEES
ASSOCIATION; and BOARD OF
REGENTS, University of Hawaii,

Intervenors.

CASE NOS.: RA-07-233a
RA-08-233b

ORDER NO. 2600

ORDER GRANTING PETITIONS FOR
INTERVENTION; AND NOTICE OF
PREHEARING CONFERENCE

ORDER GRANTING PETITIONS FOR
INTERVENTION; AND NOTICE OF PREHEARING CONFERENCE

On February 27, 2009, Petitioner UNIVERSITY OF HAWAII PROFESSIONAL ASSEMBLY (Petitioner or UHPA), by and through its counsel, filed the instant Petition for Clarification and Amendment of Appropriate Bargaining Unit (Petition) with the Hawaii Labor Relations Board (Board). Petitioner alleges that since the conversion of the University of Hawaii Laboratory School (Laboratory School) to a charter school in 2001, the work of Unit 07 Faculty Lecturers and Researchers has been misclassified as Unit 08 APT (Administrative, Professional and Technical) employees. UHPA contends that the approximately 38 positions perform Faculty teaching and research work in the Curriculum Research and Development Group (CRDG) of the College of Education and should properly be included in Faculty Bargaining Unit 07. UHPA thus requests clarification of the bargaining unit.

On March 5, 2009, the HAWAII STATE TEACHERS ASSOCIATION (HSTA), by and through its counsel, filed a Petition for Intervention in these proceedings. The HSTA alleges that it represents all teachers and educational personnel in public charter schools under Hawaii Revised Statutes (HRS) Chapter 302B and that the job duties and responsibilities of various employees of the Laboratory School fall within the provisions of

HRS § 89-6(a)(5). The HSTA alleges that based, *inter alia*, upon a Memorandum of Agreement dated June 28, 2001, the positions should be included in Bargaining Unit 05.

On March 10, 2009, the Board issued a Notice of Receipt of Petition for Clarification or Amendment of Appropriate Bargaining Unit setting March 25, 2009 as the deadline to file Petitions for Intervention in this matter. On March 12, 2009, the Board issued an Amended Notice of Receipt of Petition for Clarification or Amendment of Appropriate Bargaining Unit for additional recipients.

On March 24, 2009, the UNIVERSITY OF HAWAII LABORATORY SCHOOL (Laboratory School), by and through its counsel, filed a petition for intervention in this case. The Laboratory School alleges that it acts through its Local School Board which has to negotiate supplemental agreements with exclusive representatives pursuant to HRS § 89-10.55; has an interest in this proceeding; and contends that the Petition directly impacts the faculty and operations of the school as well as its ability to carry out its charter and statutory obligations.

On March 25, 2009, the HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO (HGEA), by and through its counsel, filed a petition for intervention in this case. The HGEA alleges that it is the exclusive representative of the approximately 38 positions at issue and has an interest in protecting the rights, interests, and benefits of the subject CRDG positions/employees and that of other employees assigned to the School.

Also on March 25, 2009, the BOARD OF REGENTS, University of Hawaii (BOR), by and through its counsel, filed a petition for intervention in this case. The BOR alleges that it is a public employer under HRS § 89-2 and has an interest in the proceeding to obtain a determination that places individuals at the School in the appropriate bargaining unit.

Based on the foregoing, the Board finds that the HSTA, the Laboratory School, the HGEA and the BOR have alleged a sufficient interests to intervene in this case. Accordingly, the Board grants the respective Petitions for Intervention pursuant to Hawaii Administrative Rules (HAR) § 12-42-8(g)(14).

NOTICE IS HEREBY GIVEN that the Board, pursuant to Hawaii Revised Statutes (HRS) § 89-5(i)(1) and HAR § 12-42-8, will conduct a prehearing conference on the instant petition on **April 21, 2009 at 9:00 a.m.** in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii. The purpose of the prehearing conference is to arrive at a settlement or clarification of issues, to identify and exchange witness and exhibit lists, if any, and to the extent possible, reach an agreement on facts, matters or procedures which will facilitate and expedite the hearing or adjudication of the issues presented. The parties

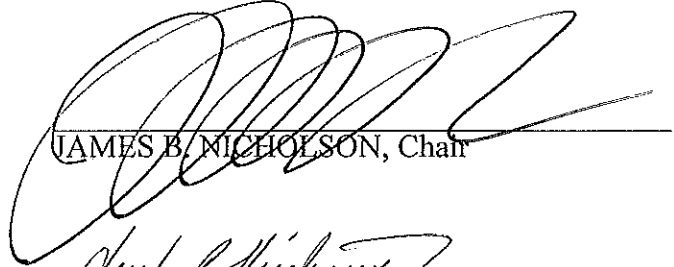
shall file a Prehearing Statement which addresses the foregoing matters with the Board two days prior to the prehearing conference.

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 Nora Ebata (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 seven working days prior to the needed accommodation.

DATED: Honolulu, Hawaii, March 31, 2009.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



SARAH R. HIRAKAMI, Member

Copies sent to:

Linda M. Aragon, Esq.
Herbert R. Takahashi, Esq.
Richard H. Thomason, Deputy Attorney General
Debra A. Kagawa, Esq.
Gregory H. Sato, Esq.