

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

HAWAII STATE TEACHERS  
ASSOCIATION,

Petitioner,

and

HAWAII GOVERNMENT EMPLOYEES  
ASSOCIATION, AFSCME, LOCAL 646,  
AFL-CIO and PATRICIA HAMAMOTO,  
Superintendent, Department of Education,  
State of Hawaii,

Intervenors.

CASE NO. RA-05-236

ORDER NO. 2658

ORDER GRANTING PETITIONS FOR  
INTERVENTION; AND NOTICE OF  
PREHEARING CONFERENCE

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On October 8, 2009, Petitioner HAWAII STATE TEACHERS ASSOCIATION (Petitioner or HSTA), filed the instant petition with the Hawaii Labor Relations Board (Board) seeking to clarify whether employees of the Department of Education (DOE) classified as or performing the duties of Technology Coordinators and employees performing instruction, teaching or support thereof to the department's E-School are included in bargaining Unit 05. Petitioner alleged that the nature of work performed and services provided by the above employees are within the scope of work performed and provided by other employees within Unit 05 as they perform direct teaching or provide support to teachers. Petitioner also alleges that almost 100% of the employees performing duties of technology coordinators were classified within Unit 05 and in the 2009-2010 school year, the DOE removed a technology coordinator from his position and the work is now being performed by non-Unit 05 employees. Petitioner also alleged that the Board of Education, in amending Board Policy 4540, High School Graduation Requirements and Commencement Policy, expanded the use of E-School instructors but that not all instructors are included in Unit 05.

On October 9, 2009, the Board issued a Notice of Receipt of Petition for Clarification or Amendment of Appropriate Bargaining Unit; Notice of Deadline for Filing Petitions for Intervention setting October 26, 2009 as the deadline for interested parties to file Petitions for Intervention in these proceedings.

On October 26, 2009, the Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO (HGEA) filed a Petition for Intervention with the Board alleging that the instant Petition seeks to change the bargaining unit designation of at least two Unit 03 positions to Unit 05. The HGEA alleges that the two subject Data Processing Analyst positions at McKinley High School and similar positions are at issue and the HGEA seeks to protect its rights as the exclusive representative for Unit 03 and the rights, benefits, and interests of its members.

Also on October 26, 2009, Patricia Hamamoto (Hamamoto), on behalf of the Department of Education, State of Hawaii and the Board of Education filed a Petition for Intervention in this proceeding as the employer of the subject positions alleging that its rights in determining position allocations at schools in accordance with the Weighted Student Formula may be impacted by this proceeding.

Based on the foregoing, the Board finds that the HGEA and Hamamoto have alleged 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 **November 23, 2009 at 9:30 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, October 28, 2009.

HAWAII LABOR RELATIONS BOARD

  
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JAMES B. NICHOLSON, Chair

HAWAII STATE TEACHERS ASSOCIATION and HAWAII GOVERNMENT EMPLOYEES  
ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO, et al.  
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EMORY J. SPRINGER, Member

  
SARAH R. HIRAKAMI, Member

Copies sent to:

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