

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of
HENRY H. YANG, M.D.,

 Petitioner,

 and

DEPARTMENT OF HEALTH, STATE OF
HAWAII,

 Intervenor.

CASE NO. DR-13-102

ORDER NO. 2827

ORDER GRANTING DEPARTMENT
OF HEALTH, STATE OF HAWAII'S
PETITION FOR INTERVENTION
FILED ON DECEMBER 8, 2011 AND
NOTICE OF BOARD CONFERENCE

ORDER GRANTING DEPARTMENT OF HEALTH,
STATE OF HAWAII'S PETITION FOR INTERVENTION
FILED ON DECEMBER 8, 2011 AND NOTICE OF BOARD CONFERENCE

On November 25, 2011, Petitioner HENRY H. YANG, M.D. (Yang) filed the instant Petition for Declaratory Ruling with the Hawaii Labor Relations Board (Board). On November 29, 2011, the Board issued a Notice of Filing of Petition for Declaratory Ruling which set December 16, 2011 as the deadline for the filing of Petitions for Intervention.

On December 8, 2011, the DEPARTMENT OF HEALTH, State of Hawaii (DOH) filed a Petition for Intervention with the Board. The DOH alleges that it is an employer and its rights as an employer could be violated by a decision in this matter and contends, *inter alia*, that the Board does not have subject matter jurisdiction to address Dr. Yang's allegations by way of a motion for declaratory ruling; Dr. Yang does not have standing to bring this action; this actions seeks adjudication of identical claims raised in Dr. Yang's prohibited practice complaint; and Dr. Yang's prohibited practice complaint is untimely and this action is an attempt to avoid the statute of limitations for filing a prohibited practice complaint.

Based on the foregoing, the Board finds that the DOH has alleged a sufficient interest to intervene in this case. Accordingly, the Board grants the DOH's petition for intervention pursuant to Hawaii Administrative Rules (HAR) §§ 12-42-8(g)(14) and 12-42-9(e).

NOTICE IS HEREBY GIVEN that the Board will conduct a conference on the instant petition by conference call on **January 19, 2012 at 9:30 a.m.** or as soon

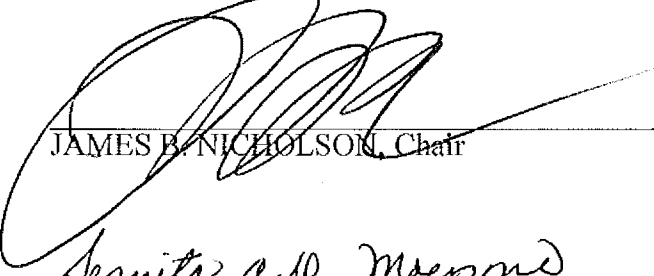
thereafter as this case can be heard. Petitioner's counsel shall call 974-4000 ext. 6-8615 at the designated time and Intervenor's counsel shall appear in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii. The purpose of the conference is to discuss the procedures to resolve the instant petition.

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 Mrs. Ebata at (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 ten working days prior to the needed accommodation.

DATED: Honolulu, Hawaii, January 9, 2012.

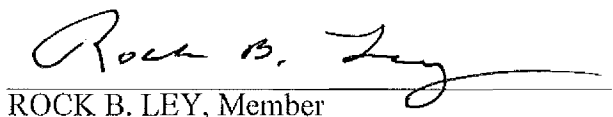
HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



SESNITA A.D. MOEPONO, Member



ROCK B. LEY, Member

Copies sent to:

Ted H.S. Hong, Esq.
Richard H. Thomason, Deputy Attorney General