

court hearing on August 31, 2012, the court cited HRS § 76-14(c)(2) and directed the MAB to seek guidance of the Board in any case where the MAB's jurisdiction became an issue. The Board issued a notice of the filing of the Petition for Declaratory Ruling which set December 10, 2012 as the deadline to file petitions for intervention in the matter.

Also on November 21, 2012, MAB filed a nearly identical Petition for Declaratory Ruling with the Board in Case No. DR-00-104 regarding an appeal by Jacqueline Mulleitner. The Board issued a similar notice of the filing of the Petition for Declaratory Ruling in Case No. DR-00-103.

On December 5, 2012, the UNITED PUBLIC WORKERS, AFSCME, Local 646, AFL-CIO (UPW), by and through its counsel, filed Petitions for Intervention in Case Nos. DR-00-103 and DR-00-104, respectively. UPW alleged, *inter alia*, that it is the exclusive bargaining representative for employees in bargaining units 01 and 10 where questions of jurisdiction of the MAB have arisen and that it has five pending appeals involving other PSD employees before Circuit Court Judge Rhonda Nishimura where similar issues are presented.

On December 7, 2012, DEBORAH TAYLOR, by and through her counsel, filed a Petition to Intervene in Case No. DR-00-103 alleging, *inter alia*, that her interests will be directly affected by any decision made in these proceedings; that there are no other means to protect her interests; and that her interest cannot be represented by any existing party.

Also on December 7, 2012, JACQUELINE MULLEITNER, by and through her counsel, filed a Petition to Intervene in Case No. DR-00-104 alleging, *inter alia*, that her interests will be directly affected by any decision made in these proceedings; that there are no other means to protect her interests; and that her interest cannot be represented by any existing party.

On December 10, 2012, DEPARTMENT OF PUBLIC SAFETY, State of Hawaii (PSD), by and through its counsel filed Petitions for Intervention in Case Nos. DR-00-103 and DR-00-104, respectively. PSD's counsel stated in a declaration that PSD is the entity responsible for raising the jurisdiction question that is the subject of the instant petitions and that PSD's participation will assist in the development of a sound and complete record before the Board.

Based upon a review of the record and the petitions for intervention, the Board finds that DEBORAH TAYLOR, JACQUELINE MULLEITNER and PSD have alleged sufficient interests to intervene in the proceedings at this time. Accordingly, the Board grants the petitions for intervention filed by Ms. Taylor, Ms. Mulleitner and PSD, respectively, pursuant to Hawaii Administrative Rules (HAR) § 12-42-8(g)(14). The Board reserves its ruling on the UPW's Petitions for Intervention until a further clarification of the underlying facts of these petitions.

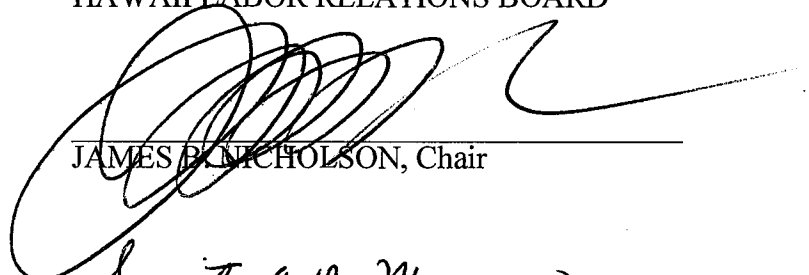
In addition, after reviewing the instant Petitions for Declaratory Rulings, the Board finds that the petitions involve substantially the same parties and issues and that the consolidation of the proceedings would be efficient, conducive to the proper dispatch of business and the ends of justice and will not unduly delay the proceedings. Thus, pursuant to HAR §12-42-8(g)(13), the Board, hereby consolidates these petitions and the proceedings thereon for disposition.

Notice of Rescheduled Status Conference

NOTICE IS HEREBY GIVEN that due to a conflict in the Board's calendar, the status conference previously scheduled on January 15, 2013 at 9:00 a.m. is rescheduled to **January 15, 2013 at 10:00 a.m.**, in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.

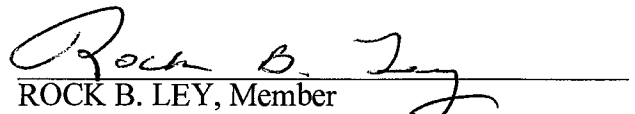
DATED: Honolulu, Hawaii, January 8, 2013.

HAWAII LABOR RELATIONS BOARD



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