

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

STATE OF HAWAII, DEPARTMENT
OF EDUCATION, Hickam Elementary
School,

Petitioner,

and

UNITED PUBLIC WORKERS,
AFSCME, Local 646, AFL-CIO,

Intervenor.

CASE NO.: DR-01-105

ORDER NO. 2968

ORDER GRANTING UPW'S PETITION
FOR INTERVENTION

ORDER GRANTING UPW'S PETITION FOR INTERVENTION

On February 24, 2014, Petitioner STATE OF HAWAII, DEPARTMENT OF EDUCATION, Hickam Elementary School (Petitioner or DOE) filed a PETITION FOR DECLARATORY RULING (Petition) with the Hawaii Labor Relations Board (Board). The Petition requests, *inter alia*, a ruling on whether the Merit Appeals Board (MAB) has exclusive jurisdiction over grievance UPW Case #MH-11-13 pursuant to Hawaii Revised Statutes (HRS) §§ 76-47(a) and 76-14(a)(1) and (b), and for the Board to place a stay on the grievance pending a ruling on the Petition.

On February 28, 2014, the Board issued a NOTICE OF FILING OF PETITION FOR DECLARATORY RULING, which provided that interested persons wishing to intervene shall file a Petition for Intervention with the Board by March 17, 2014.

On March 14, 2014, UNITED PUBLIC WORKERS, AFSCME, Local 646, AFL-CIO (UPW) filed a Petition for Intervention, asserting, *inter alia*, that it filed grievance MN-11-13 [sic] on May 12, 2011; that evidentiary hearings were held before the arbitrator on October 2, 3, 8, and 11, 2013; that the arbitrator determined the grievance to be arbitrable after the employer contested arbitrability; that on January 24, 2014, a further scheduling conference was held without setting further hearing dates; that a decision in

this proceeding could affect UPW's contractual and statutory rights and interests to final and binding arbitration; that UPW has no other available means to protect its interest; and that its interests are not represented by the employer or any other interested party to this proceeding.

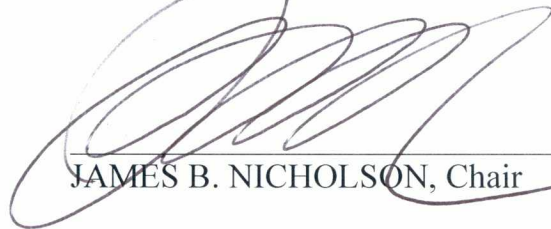
Pursuant to Hawaii Administrative Rules (HAR) §§ 12-42-8(g)(14) and 12-42-9(e), intervention may be granted "on averments which are reasonably pertinent to the issues already presented but do not unduly broaden them."

Based upon review of the Petition and Petition for Intervention, the Board finds that UPW's interests may be affected by a Board ruling in this matter; that its intervention would not unduly broaden the issues already presented; and that UPW's intervention in this proceeding is warranted.

Accordingly, THE BOARD HEREBY GRANTS UPW's Petition for Intervention, pursuant to HAR §§ 12-42-8(g)(14) and 12-42-9(e).

DATED: Honolulu, Hawaii March 17, 2014.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



SESNITA A.D. MOEPONO, Member



ROCK B. LEY, Member

Copies to:

Bosco Petricevic, Deputy Attorney General
Herbert Takahashi, Esq.

CASE NO. 2014 DR-01-105 – In the Matter of DOE and UPW – Order No. 2968
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