

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

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

Petitioner,

and

HAWAII GOVERNMENT
EMPLOYEES ASSOCIATION,
AFSCME, LOCAL 152, AFL-CIO;
COUNTY OF MAUI; DEPARTMENT
OF HUMAN RESOURCES
DEVELOPMENT, State of Hawaii;
BOARD OF REGENTS, University of
Hawaii; COUNTY OF HAWAII; CITY
AND COUNTY OF HONOLULU; and
THOMAS R. KELLER, Administrative
Director of the Courts, Judiciary,

Intervenors.

CASE NOS. DR-01-89a, DR-10-89b

ORDER NO. 3007

ORDER DISMISSING PETITION
FOR DECLARATORY RULING;
AND DENYING THE BOARD OF
REGENTS' AND COUNTY OF
MAUI'S REQUESTS TO
WITHDRAW THEIR PETITIONS
FOR INTERVENTION AS MOOT

ORDER DISMISSING PETITION FOR DECLARATORY RULING;
AND DENYING THE BOARD OF REGENTS' AND COUNTY OF MAUI'S
REQUESTS TO WITHDRAW THEIR PETITIONS FOR INTERVENTION AS MOOT

On August 18, 2003, Petitioner UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) filed the instant Petition for Declaratory Ruling. On September 5, 2003, the HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO (HGEA); the COUNTY OF MAUI; the DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT, State of Hawaii (DHRD); the BOARD OF REGENTS, University of Hawaii (BOR); the COUNTY OF HAWAII; the CITY AND COUNTY OF HONOLULU; and THOMAS R. KELLER, Administrative Director of the Courts, Judiciary (Judiciary), all filed

Petitions for Intervention in this matter. On September 11, 2003, the Board issued Order No. 2215, granting the Petitions for Intervention.

On October 13, 2003, the City and County of Honolulu filed its Request to Reconsider and Withdraw Its Petition to Intervene Filed on September 5, 2003. On October 30, 2003, the Board issued Order No. 2223, granting the City and County of Honolulu's Request to Reconsider and Withdraw Its Petition to Intervene Filed on September 5, 2003.

On November 2, 2007, the County of Maui filed its Notice of Intervenor County of Maui's Request to Dismiss and/or Withdraw Its Petition to Intervene Filed on September 5, 2003.

On November 9, 2007, the BOR filed its Notice of Intervenor Board of Regents, University of Hawaii's Request to Dismiss and/or Withdraw Its Petition for Intervention Filed on September 5, 2003.

On May 27, 2014, the UPW filed its Motion to Withdraw Complaint Without Prejudice, pursuant to Hawaii Administrative Rules (HAR) § 12-42-8(g)(3). Although the UPW's motion is entitled as one to withdraw a "complaint," the Board considers the motion as UPW's motion to withdraw its Petition for Declaratory Ruling.

On May 30, 2014, the DHRD filed its Statement of No Objection to Petitioner UPW's Motion to Withdraw Complaint Without Prejudice Filed May 27, 2014. On June 4, 2014, the County of Maui filed its Statement of No Objection to Petitioner UPW's Motion to Withdraw Complaint Without Prejudice Filed May 27, 2014. On June 19, 2014, the HGEA filed its Statement of No Objection to Petitioner UPW/AFSCME's Motion to Withdraw Complaint Without Prejudice Filed May 27, 2014.

On June 24, 2014, the Board issued a Notice of Intent to Dismiss Petition for Declaratory Ruling, and Deny the BOR's and County of Maui's Requests to Withdraw Their Petitions for Intervention as Moot. Any objection to the Board's dismissal of the Petition for Declaratory Ruling was due no later than July 1, 2014. No objection to the Board's Notice of Intent to Dismiss Petition for Declaratory Ruling, and Deny the BOR's and County of Maui's Requests to Withdraw Their Petitions for Intervention as Moot was filed by any of the parties to this proceeding.

Accordingly, THE BOARD HEREBY DISMISSES the UPW's Petition for Declaratory Ruling, and denies the BOR's and County of Maui's requests to withdraw their petitions for intervention as moot.ⁱ This matter is now closed.

DATED: Honolulu, Hawaii, July 14, 2014.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



SESNITA A.D. MOEPONO, Member

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ⁱ A matter is moot if it has lost its character as a present, live controversy. *State v. Nakaneula*, 132 Hawaii 492, 503, 323 P.3d 136, 147 (App. 2014) (*quoting* *Kahoochanohano v. State*, 114 Hawaii 302, 332, 162 P.3d 696, 726 (2007)).