



EFiled: Apr 18 2017 04:23PM HAST
Transaction ID 60489555
Case No. 16-DR 00-108

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

MERIT APPEALS BOARD, STATE OF
HAWAII,

Petitioner,

and

HAWAII GOVERNMENT EMPLOYEES
ASSOCIATION, AFSCME, LOCAL 152,
AFL-CIO; DEPARTMENT OF PUBLIC
SAFETY, State of Hawaii; KEIRON PRATT;
and UNITED PUBLIC WORKERS,
AFSCME, LOCAL 646, AFL-CIO,

Intervenors.

CASE NO.: DR-00-108

ORDER NO.: 3246

ORDER GRANTING UPW'S MOTION FOR
ORDER GRANTING UPW'S PETITION
FOR INTERVENTION AND SETTING
BRIEFING SCHEDULE; NOTICE OF
DEADLINE FOR UPW TO FILE LEGAL
BRIEF AND FOR PARTIES TO SERVE
UPW WITH LEGAL BRIEFS PREVIOUSLY
FILED IN THIS MATTER

**ORDER GRANTING UPW'S MOTION FOR ORDER GRANTING UPW'S PETITION
FOR INTERVENTION AND SETTING BRIEFING SCHEDULE; NOTICE OF
DEADLINE FOR UPW TO FILE LEGAL BRIEF AND FOR PARTIES
TO SERVE UPW WITH LEGAL BRIEFS PREVIOUSLY FILED IN THIS MATTER**

On May 31, 2016, the Merit Appeals Board, State of Hawaii (MAB) filed with the Hawaii Labor Relations Board (Board) a petition for declaratory ruling (Petition for DR) regarding the MAB's jurisdiction over a MAB appeal. On June 13, 2016, the United Public Workers, AFSCME, Local 646, AFL-CIO (UPW) filed a Petition for Intervention in this matter. On August 12, 2016, the Board issued Order No. 3182, which, among other things, denied the UPW's Petition for Intervention. The UPW thereafter appealed its denial of intervention to the Circuit Court of the First Circuit (Circuit Court) in Civil No. 16-1-001706-09 RAN.

On March 13, 2017, the Circuit Court issued its ORDER REVERSING HAWAII LABOR RELATIONS BOARD ORDER NO. 3182 IN CASE NO. DR-00-108 RELATING TO UPW'S MOTION FOR INTERVENTION (Order on Appeal). The Circuit Court ordered that the Board Order No. 3182 "is vacated only as to that part of Order No. 3182 which denied UPW's

petition for intervention, and remands this matter to the Board with instructions to grant UPW's petition for intervention."

On March 16, 2017, the UPW filed its MOTION FOR ORDER GRANTING UPW'S PETITION FOR INTERVENTION AND SETTING BRIEFING SCHEDULE. The UPW stated, *inter alia*, "[s]ince the UPW has not had an opportunity to be heard on the merits of the petition for declaratory ruling by the Merit Appeals Board, UPW requests the Board to set a briefing scheduling [sic] on the merits of the petition by the Merit Appeals Board."

Accordingly, the Board hereby GRANTS the UPW intervention in this matter. Furthermore, NOTICE IS HEREBY GIVEN that the UPW may file a legal brief addressing the question posed by the MAB in its Petition for DR filed on May 31, 2016, by close of business on **Thursday, May 11, 2017**, with service on all other parties.

Furthermore, all parties are hereby directed to serve upon the UPW a copy of any legal brief or legal position statement previously filed by that party in this proceeding no later than **May 11, 2017**, if not previously served on the UPW.

Before any document is filed with the Board, or before any document is served on another party, whether electronically or manually, the filing or serving party shall ensure that all social security numbers and personal information is redacted or encrypted. "Personal information" shall include social security numbers, home addresses, dates of birth, bank account numbers, medical and health records, and any other information in which a person has a significant privacy interest. To the extent a party believes any personal information is relevant to the Board's consideration of the case, the submitting party shall submit the confidential information by means of a Confidential Information Form that substantially conforms to Form 2 of the Hawaii Court Records Rules, as amended.

DATED: Honolulu, Hawaii, April 18, 2017.

HAWAII LABOR RELATIONS BOARD



Sesnita A. D. Moepono
SESNITA A.D. MOEPONO, Member

J.N. Musto
J.N. MUSTO, Member

MERIT APPEALS BOARD, State of Hawaii and HAWAII GOVERNMENT EMPLOYEES
ASSOCIATION, AFSMCE, LOCAL 152, AFL-CIO, et al.

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ORDER NO. 3246

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