

STATE OF HAWAII
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of)	
)	
HAWAII STATE TEACHERS)	Case Nos. <u>DR-05-39</u>
ASSOCIATION, NEA,)	<u>RA-05-40</u>
)	
Petitioner,)	
)	Order No. <u>329</u>
and)	
)	
BOARD OF EDUCATION, State)	
of Hawaii,)	
)	
Employer-)	
Intervenor,)	
)	
and)	
)	
ANN THIEDE, et al.,)	
)	
Intervenors.)	

ORDER REQUIRING EMPLOYER TO ANSWER WRITTEN INTERROGATORIES

On April 1, 1980, attorney for the Petitioner in the above-entitled cases, Hawaii State Teachers Association (hereafter HSTA), filed an application with the Board for an order requiring the Employer (now Employer-Intervenor) Board of Education, State of Hawaii (hereafter BOE), to answer written interrogatories. A supporting affidavit was attached thereto.

On April 3, 1980, attorney for BOE filed a "Motion to Quash Intervenor's Application for Order Requiring Employer to Answer Written Interrogatories." On April 8, 1980, said attorney filed a Motion to Amend the foregoing motion to change, inter alia, the word "Intervenor" to "Petitioner." The Motion to Amend was granted (Order No. 314). The supporting affidavit attached to the original motion stated as grounds to quash, that: (1) there had been no intervention

by BOE in Case No. DR-05-39; (2) there had been no consolidation of Case No. DR-05-39 with Case No. RA-05-40; (3) HSTA's application for order requiring Employer to answer written interrogatories was captioned as if cases DR-05-39 and RA-05-40 were consolidated; and (4) Rule 26(b)(1), Hawaii Rules of Civil Procedure, confines the scope of discovery to parties to a pending case; and no determination had yet been made by the Board as to who the parties to the subject cases were, and whether the cases had been consolidated.

On May 5, 1980, Petitioner filed with this Board, pursuant to HPERB Rule 1.08(g)(20), a motion to consolidate Case Nos. DR-05-39 and RA-05-40 on the grounds that said cases involve substantially the same parties and/or issues and consolidation would be conducive to the proper dispatch thereof. On May 19, 1980, the Board held a hearing on this motion.

Also on May 19, 1980, the Board issued a notice stating that BOE, the Hawaii Government Employees' Association, and any other persons wishing to intervene in the above cases were to notify the Board of their intent to intervene by May 30, 1980.

On May 30, 1980, BOE petitioned to intervene in Case Nos. DR-05-39 and RA-05-40. On June 4, 1980, this Board granted BOE's petitions to intervene in Case No. DR-05-39 (Order No. 322) and Case No. RA-05-40 (Order No. 323).

On June 10, 1980, Ann Thiede, on behalf of herself and all Unit 13 speech/language pathologists, educational therapists and clinical psychology assistants, petitioned to intervene in Case No. RA-05-40. On June 12, 1980, this Board granted the petition to intervene of Ann Thiede, et al. (Order No. 326).

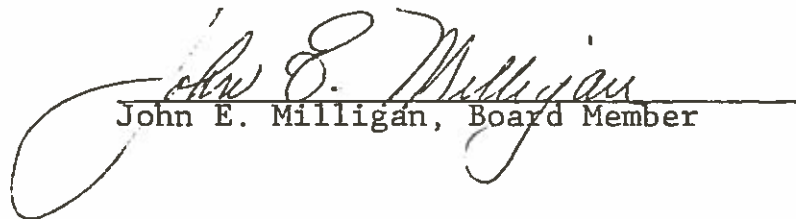
On June 20, 1980, this Board granted HSTA's May 5, 1980 Motion to Consolidate (Order No. 328).

In view of the foregoing events and for other good cause shown, Petitioner HSTA's application for an order directing BOE to answer written interrogatories is hereby granted. The deadline for the submission by BOE of answers to the written interrogatories will be July 7, 1980.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD


Mack H. Hamada, Chairman


James K. Clark, Board Member


John E. Milligan, Board Member

Dated: June 23, 1980

Honolulu, Hawaii