

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. DR-01-49
)	
JOHN WAIHEE, Governor of the)	ORDER NO. 674
State of Hawaii; DEPARTMENT OF)	
ACCOUNTING & GENERAL SERVICES;)	ORDER GRANTING PETITIONS
State of Hawaii; STADIUM)	FOR INTERVENTION AND DIS-
AUTHORITY, State of Hawaii;)	MISSING PETITION FOR
and ALFRED C. LARDIZABAL,)	DECLARATORY RULING
Director, Department of)	
Personnel Services, State of)	
Hawaii,)	
)	
Petitioners.)	
)	

ORDER GRANTING PETITIONS FOR INTERVENTION
AND DISMISSING PETITION FOR DECLARATORY RULING

On February 3, 1988, the United Public Workers, Local 646 AFSCME, AFL-CIO, by and through its representative Gary Rodrigues, State Director, filed with the Hawaii Labor Relations Board [hereinafter referred to as Board] a petition for intervention in the above-entitled case.

On February 5, 1988, Dante K. Carpenter, Mayor of the County of Hawaii, likewise filed with the Board a petition to intervene in the above-entitled case.

As the filing of the petitions was timely and the petitioner-intervenors have alleged interests sufficient for participation in the proceedings, the Board hereby grants the subject petitions for intervention pursuant to Administrative Rules § 12-42-8(g)(14).

However, upon consideration of the nature of Petitioner's interests in the case-in-chief, the Board is of the opinion that the State seeks to establish whether specific incumbents in specific job positions within the Stadium Authority are part-time workers excluded from coverage under Chapter 89, Hawaii Revised Statutes [hereinafter referred to as HRS], or whether they are members of bargaining unit 1 as defined in Subsection 89-6(a), HRS. The Board considers that the State's petition seeks more than a declaratory ruling on a legal question that would also involve issues more appropriately addressed in a petition for bargaining unit amendment or clarification.

Hence, pursuant to Administrative Rules § 12-42-9(f), and for good cause shown, the Board hereby declines to issue a declaratory ruling in the instant case. The petition is dismissed without prejudice and the parties left to institute further appropriate relief.

DATED: Honolulu, Hawaii, February 16, 1988.

HAWAII LABOR RELATIONS BOARD



MACK H. HAMADA, Chairperson



JAMES R. CARRAS, Board Member



GERALD K. MACHIDA, Board Member

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