

STATE OF HAWAII
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of)	
)	
HAWAII GOVERNMENT EMPLOYEES')	Case Nos. RA-03-11
ASSOCIATION, LOCAL 152,)	RA-04-12
AFSCME, AFL-CIO,)	RA-13-13
)	
Petitioner,)	
)	Order No. <u>86</u>
and)	
)	
STATE OF HAWAII,)	
)	
Employer.)	
_____)	

ORDER GRANTING MOTION TO REVOKE AND
QUASH SUBPOENA DUCES TECUM

On November 4, 1976, the Hawaii Government Employees' Association, Local 152, AFSCME, AFL-CIO (hereafter HGEA) served a subpoena of this Board on Edward Nakano, Vice President of the Public Employees Management Association of Hawaii (hereafter PEMA) to produce (1) all minutes of meetings of the PEMA Board of Directors from January 1, 1975, to date, and (2) a blank membership application.

On November 8, 1976, Mr. Nakano produced all documents subpoenaed and identified them from the witness stand after the documents had been marked as an HGEA exhibit.

In several places, portions of the minutes were blocked out so as to be unreadable. The HGEA's counsel objected.

Thereafter, on November 15, 1976, PEMA filed a Motion to Revoke and to Quash Subpoena Duces Tecum. On November 30, 1976, a supporting affidavit was filed.

A hearing on said motion was held on November 15, 1976.

PEMA gave several reasons in support of its motion:

1. That the minutes of PEMA "are irrelevant and immaterial to the issue of standing."

2. That the subpoena lacked sufficient particularity.

3. That portions of the minutes "contain strictly confidential and privileged information about state employees and the Public Employees Management Association of Hawaii."

PEMAH is attempting to intervene in the instant case. This Board considers facts about whether PEMAH has members who presently are included in bargaining units and about whether PEMAH is or is not an "employee organization" under Section 89-2(8), Hawaii Revised Statutes, irrelevant and immaterial to the determination of whether PEMAH has a legal interest in the instant proceedings which would justify granting it intervenor status.

It is clear that the minutes of PEMAH are being requested by the HGEA because they might hear on any claim PEMAH has made or may make about its being an "employee organization". Since the issue of PEMAH'S status as an "employee organization" is irrelevant and immaterial in these proceedings, the minutes of PEMAH are also irrelevant and immaterial.

PEMAH failed to convince this Board that its other two grounds in support of its motion had merit. The Board, however, is convinced that the assertion that the minutes of PEMAH are immaterial and irrelevant is sound. Said minutes do not reasonably relate to the matter of PEMAH'S intervention.

Accordingly, PEMAH'S Motion to Revoke and Quash Subpoena Duces Tecum is hereby granted.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD


Mack H. Hamada, Chairman


John E. Milligan, Board Member


James K. Clark, Board Member

DATED: November 30, 1976

Honolulu, Hawaii