

STATE OF HAWAI‘I
HAWAI‘I LABOR RELATIONS BOARD

In the Matter of

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

Petitioner,

and

DEPARTMENT OF PUBLIC
SAFETY, State of Hawai‘i,

Intervenor.

CASE NO. 20-DR-10-116

ORDER NO. 3659

ORDER GRANTING DEPARTMENT
OF PUBLIC SAFETY, STATE OF
HAWAI‘I’S PETITION FOR
INTERVENTION

**ORDER GRANTING DEPARTMENT OF PUBLIC SAFETY,
STATE OF HAWAI‘I’S PETITION FOR INTERVENTION**

On September 6, 2020, Petitioner UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) filed a Petition for Declaratory Ruling (Petition) with the Hawai‘i Labor Relations Board (Board), as allowed under Hawai‘i Administrative Rules (HAR) §§ 12-42-8(g)(14) and 12-42-9(e). The Petition requests that the Board issue declaratory rulings regarding the outbreak of Coronavirus Disease 2019 (COVID-19) in the State of Hawai‘i.

On September 11, 2020, the Board filed a Notice of Filing of Petition for Declaratory Ruling, which among others, (1) notified interested parties that they may file a Petition for Intervention with the Board no later than 4:30 p.m. on September 18, 2020 and (2) scheduled a hearing to rule on any petitions for intervention that may be filed and immediately after the hearing will hold a status conference on Tuesday, September 29, 2020 at 10:00 a.m.

On September 16, 2020, the Department of Public Safety, State of Hawai‘i (PSD) filed a Petition for Intervention (PFI). In the PFI, PSD alleges that it is a public employer that retains public employees, who are members of bargaining units 1 and 10 under Hawai‘i Revised Statutes Chapter 89 and a party to the July 7, 2018 MOU that is the principal subject of this case. The PFI further alleges, among other things, that: PSD is a real party in interest as the Petition

allegations and relief sought are against PSD; PSD's participation is required to obtain a sound record, is essential, and will neither broaden the issues nor cause delay; and PSD's primary interest in the proceeding, which is to ensure the adequate staffing of its facilities during the pandemic, differs little from that of the public interest.

On September 24, 2020, UPW filed UPW'S Statement of No Objection to Department of Public Safety, State of Hawai'i's Petition for Intervention stating that although UPW disagrees with certain assertions by PSD, UPW has no objection to [PSD's] Petition for Intervention.

Pursuant to HAR §§ 12-42-8(g)(14) and 12-42-9(e), intervention shall be granted "on averments which are reasonably pertinent to the issues already presented but do not unduly broaden them."

Based upon review of the Petition and Petition for Intervention, the Board finds that PSD's interests may be affected by a Board ruling in this matter; that its intervention would not unduly broaden the issues already presented; and that PSD's intervention in this proceeding is warranted.

Accordingly, THE BOARD HEREBY GRANTS PSD'S PETITION FOR INTERVENTION, pursuant to HAR §§ 12-42-8(g)(14) and 12-42-9(e); cancels the hearing on any petitions for intervention (the Board received no other petitions); and confirms that the scheduled Status Conference will be held on **Tuesday, September 29, 2020 at 10:00 a.m.**

DATED: Honolulu, Hawai'i, September 25, 2020.

HAWAI'I LABOR RELATIONS BOARD



Marcus R. Oshiro

MARCUS R. OSHIRO, Chair

Sesnia A. D. Moepono

SESNIA A.D. MOEPONO, Member

N. Musto

N. MUSTO, Member

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