

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

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|-----------------------------------|---|--------------------------|------------|
| In the Matter of |) | CASE NOS.: | CE-03-357a |
| |) | | CE-10-357b |
| UNITED PUBLIC WORKERS, AFSCME, |) | | CE-13-357c |
| LOCAL 646, AFL-CIO and HAWAII |) | | |
| GOVERNMENT EMPLOYEES ASSOCIATION, |) | ORDER NO. 1562 | |
| AFSCME, LOCAL 152, AFL-CIO, |) | | |
| |) | ORDER GRANTING COMPLAIN- | |
| Complainants, |) | ANTS' SECOND MOTION TO | |
| |) | AMEND COMPLAINT | |
| and |) | | |
| |) | | |
| BENJAMIN J. CAYETANO, Governor, |) | | |
| State of Hawaii; LAWRENCE MIIKE, |) | | |
| M.D., Director, Department of |) | | |
| Health, State of Hawaii; and |) | | |
| STANLEY C. YEE, Chief, Develop- |) | | |
| mental Disabilities Division, |) | | |
| Department of Health, State of |) | | |
| Hawaii, |) | | |
| |) | | |
| Respondents. |) | | |

ORDER GRANTING COMPLAINANTS'
SECOND MOTION TO AMEND COMPLAINT

At the hearing held on November 19, 1997, the Hawaii Labor Relations Board (Board) granted Complainants UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW)'s and HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO (HGEA)'s motion to amend their complaint to include the programs on Maui and Hawaii within the scope of these proceedings. Thereafter, the Complainants, by and through their counsel, made an oral motion to amend their complaint to specify that they seek to invalidate the contract between the State of Hawaii and the Association of Retarded Citizens (ARC) Kauai as being contrary to Chapter 89, Hawaii Revised Statutes (HRS). Complainants indicated that they

sought a remedial order from the Board declaring the contract to be invalid and contrary to public policy under Chapter 89, HRS. Further, Complainants' counsel indicated that the Board would be further requested to restore the status quo ante that preceded the entry into the contract with ARC.

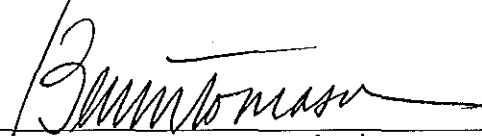
Respondents, by and through their counsel, objected to Complainants' motion to amend the complaint because of the lack of notice.

After hearing the arguments of counsel and based upon a review of the record, the Board hereby grants Complainants' oral motion to amend their complaint pursuant to Administrative Rules § 12-42-43. Complainants requested leave to amend their complaint to specifically include as a remedy the invalidation of the contract between the State of Hawaii and the private contractor. As such, the Board does not view the amendment as a significant change in the theory of Complainants' case which may result in any prejudice to the Respondents. However, in the event that the Respondents require additional time to prepare its defense because of the amendment, Respondents may file the appropriate motion with the Board for consideration.

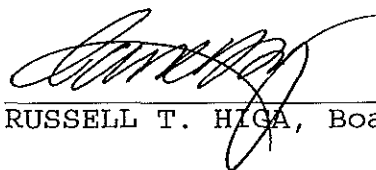
Accordingly based upon the foregoing, the Complainants shall forthwith file their Second Amended Prohibited Practice Complaint with the Board.

DATED: Honolulu, Hawaii, November 28, 1997.

HAWAII LABOR RELATIONS BOARD


BERT M. TOMASU, Chairperson

UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO, et al. and
BENJAMIN J. CAYETANO, Governor, State of Hawaii; et al.; CASE
NOS.: CE-03-357a, CE-10-357b, CE-13-357c
ORDER NO. 1562
ORDER GRANTING COMPLAINANTS' SECOND MOTION TO AMEND COMPLAINT



RUSSELL T. HIGA, Board Member



CHESTER C. KUNITAKE, Board Member

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