

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. 03-1(CU)
MARK J. VALENCIA,)	ORDER NO. 2181
)	
Complainant,)	ORDER GRANTING COMPLAINANT'S
)	MOTION TO AMEND; AND NOTICE
and)	OF PREHEARING CONFERENCE AND
)	HEARING ON UNFAIR LABOR PRACTICE
AMERICAN FEDERATION OF STATE,)	COMPLAINT
COUNTY AND MUNICIPAL EMPLOYEES,)	
LOCAL 928, AFL-CIO, East-West Center,)	
)	
Respondent.)	

ORDER GRANTING COMPLAINANT'S MOTION TO
AMEND; AND NOTICE OF PREHEARING CONFERENCE
AND HEARING ON UNFAIR LABOR PRACTICE COMPLAINT

On February 28, 2003, Complainant MARK J. VALENCIA (VALENCIA) filed a prohibited practice complaint with the Hawaii Labor Relations Board (Board) alleging that the AMERICAN FEDERATION OF STATE COUNTY AND MUNICIPAL EMPLOYEES, LOCAL 928, AFL-CIO, East-West Center (AFSCME) violated Hawaii Revised Statutes (HRS) §§ 377-1, 2, and/or 3 (sic) by refusing to arbitrate a grievance and file a grievance on his behalf on another matter.

On March 20, 2003, Complainant filed a Motion to Amend his complaint with the Board. Complainant seeks to amend his complaint to add proposed remedies and allegations of "bad faith and unfair treatment."

Based upon a review of the record and Complainant's motion, pursuant to Hawaii Administrative Rules (HAR) § 12-41-10, the Board hereby grants Complainant's motion to amend his complaint filed on February 28, 2003. Complainant shall forthwith file his First Amended Unfair Labor Practice Complaint with the Board. The Board will thereupon issue a Notice to Respondent of the First Amended Unfair Labor Practice Complaint and Respondent shall file a written answer to the amended complaint within ten days after service of the First Amended Unfair Labor Practice Complaint.

NOTICE is hereby given that pursuant to HRS §§ 89-5(i)(5) and 377-9, the Board will conduct a prehearing conference in this matter on April 7, 2003 at 9:30 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii. The

purpose of the prehearing conference is to arrive at a settlement or clarification of issues, to identify and exchange witness and exhibit lists, if any, and to the extent possible, reach an agreement on facts, matters or procedures which will facilitate and expedite the hearing or adjudication of the issues presented. The parties shall file a Prehearing Statement which addresses the foregoing matters with the Board two days prior to the prehearing conference.

NOTICE IS ALSO GIVEN that the Board, pursuant to HRS §§ 89-5(i)(5) and 377-9 and HAR § 12-41-19, will conduct a hearing on the instant complaint on April 14, 2003 at 9:30 a.m. in the Board's above-referenced hearing room. The purpose of the hearing is to receive evidence and arguments on whether Respondent committed prohibited practices as alleged by Complainant. The hearing may continue from day to day until completed.

The parties shall submit to the Board four copies of all exhibits identified and offered into the record. Additional copies for opposing counsel shall also be provided.

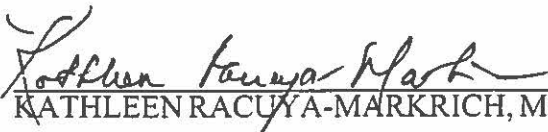
All parties have the right to appear in person and to be represented by counsel or other representative.

Auxiliary aids and services are available upon request, call Valri Lei Kunimoto at (808) 586-8610, (808) 586-8847 (TTY), or 1 (888) 569-6859 (TTY neighbor islands). A request for reasonable accommodations should be made no later than ten working days prior to the needed accommodation.

DATED: Honolulu, Hawaii, March 25, 2003.

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chair


KATHLEEN RACUYA-MARKRICH, Member

Copies sent to:

Mark J. Valencia
Lisa Anne Gruebner, Esq.
Joyce Najita, IRC