

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CE-10-541
)	
UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO,)	ORDER NO. 2356
)	
Complainant,)	ORDER GRANTING UPW'S MOTION TO WITHDRAW COMPLAINT, FILED ON JANUARY 17, 2006
)	
and)	
)	
SHARON L. AGNEW, Director, Office of Youth Services, Department of Human Services, State of Hawaii; MELVIN ANDO, Former Administrator, Hawaii Youth Correctional Facility, Department of Human Services, State of Hawaii; PHILLIP TUMINELLO, Acting Administrator, Hawaii Youth Correctional Facility, Department of Human Services, State of Hawaii; MARK J. BENNETT, Attorney General, Office of the Attorney General, State of Hawaii; and LINDA LINGLE, Governor, State of Hawaii,)	
)	
Respondents.)	

ORDER GRANTING UPW'S MOTION TO
WITHDRAW COMPLAINT, FILED ON JANUARY 17, 2006

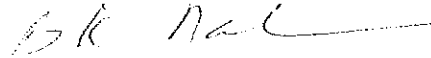
On January 17, 2006, Complainant, by and through its counsel, filed a motion to withdraw the instant complaint with the Hawaii Labor Relations Board (Board). Complainant's counsel requested the withdrawal of the complaint in accordance with the Supplemental Agreement dated November 9, 2005 and the Memorandum of Agreement dated January 9, 2006 which were attached as exhibits, and Hawaii Administrative Rules (HAR) § 12-42-44.

Thereafter on January 20, 2006, Respondents filed a Response to UPW's Motion to Withdraw Complaint Filed January 17, 2006. Respondents' counsel notes that although Complainant attached a Supplemental Agreement dated November 9, 2005 concerning Compensation Adjustment for Repricing of Youth Corrections Officer, that Supplemental Agreement was not properly an issue in this proceeding and concerns repricing which was done outside the scope of this proceeding. Nonetheless, Respondents' counsel states that the parties are in "full agreement" that this matter should be dismissed. Respondents request that the case be closed pursuant to HAR § 12-42-44 and the Memorandum of Agreement dated January 9, 2006 and as set forth in its attached Exhibit A.

After reviewing the record and the motion before the Board, the Board notes that the Memorandum of Agreement dated January 9, 2006 specifically states, "5. The prohibited practice complaint Case No. CE-10-541 shall be withdrawn by the Union in accordance with the terms and conditions of this MOA." Thus, it is clear that the dispute underlying this complaint has been resolved. Pursuant to HAR § 12-42-44, the Board hereby grants Complainant's Motion to Withdraw Complaint. This case is closed.

DATED: Honolulu, Hawaii, January 24, 2006

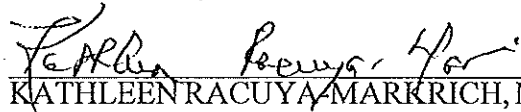
HAWAII LABOR RELATIONS BOARD



BRIAN K. NAKAMURA, Chair



EMORY J. SPRINGER, Member



KATHLEEN RACUYA MARKRICH, Member

Copies sent to:

Herbert R. Takahashi, Esq.
Jeffrey A. Keating, Deputy Attorney General
Joyce Najita, IRC