

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

HAWAII STATE TEACHERS
ASSOCIATION,

Complainant,

and

PATRICIA HAMAMOTO, Superintendent,
Department of Education, State of Hawaii;
BOARD OF EDUCATION, Department of
Education, State of Hawaii; LINDA
LINGLE, Governor, State of Hawaii; and
MARIE LADERTA, Director, Department of
Human Resources Development, State of
Hawaii,

Respondents.

CASE NO. CE-05-661

ORDER NO. 2521

ORDER GRANTING
COMPLAINANT'S MOTION TO
AMEND PROHIBITED PRACTICE
COMPLAINT

ORDER GRANTING COMPLAINANT'S MOTION
TO AMEND PROHIBITED PRACTICE COMPLAINT

On July 1, 2008, Complainant HAWAII STATE TEACHERS ASSOCIATION (HSTA) filed a Motion to Amend Prohibited Practice Complaint with the Board. The HSTA contends that it seeks to clarify its claims and submit supplemental claims which arose since the March 12, 2008 complaint was filed.

On July 9, 2008, Respondents filed a Memorandum in Opposition to HSTA's Motion to Amend Complaint Filed July 1, 2008 with the Board. Respondents contend that the HSTA's motion to amend is futile because the original complaint or the amended claims cannot survive their motion to dismiss or judgment on the pleadings or because of mootness.

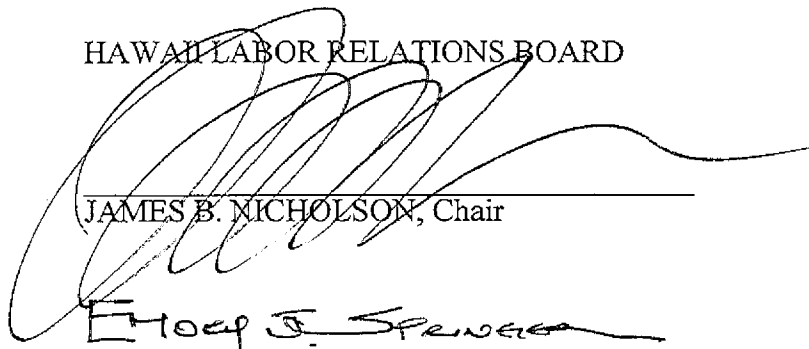
After reviewing the record and the arguments presented, the Board notes that while Complainant added a violation of Hawaii Revised Statutes § 89-13(a)(4) in its proposed First Amended Prohibited Practice Complaint, Respondents did not claim to be prejudiced by the additional claim. Respondents argue instead that the instant complaint and claims in the amended complaint should be dismissed and thus, amendment of the complaint is futile. Accordingly, the Board finds no prejudice by the instant amendment

and pursuant to Hawaii Administrative Rules § 12-42-43,¹ in its discretion, grants the HSTA's motion to amend its complaint to clarify its claims and supplement the complaint.

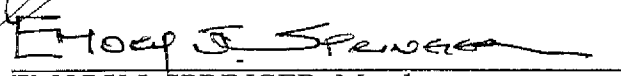
Complainant shall forthwith file its First Amended Prohibited Practice Complaint with the Board. The Board will thereupon issue a Notice to Respondents of the First Amended Prohibited Practice Complaint.

DATED: Honolulu, Hawaii July 11, 2008.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



EMORY J. SPRINGER, Member



SARAH R. HIRAKAMI, Member

Copies sent to:

Herbert R. Takahashi, Esq.
Maria C. Cook, Deputy Attorney General

¹Hawaii Administrative Rules § 12-42-43 provides as follows:

Any complaint may be amended in the discretion of the board at any time prior to the issuance of a final order thereon.