

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of

EDDY CONWAY,

Complainant,

and

HAWAII GOVERNMENT EMPLOYEES  
ASSOCIATION, AFSCME, LOCAL 152,  
AFL-CIO,

Respondent,

and

DEPARTMENT OF LABOR AND  
INDUSTRIAL RELATIONS, State of  
Hawaii,

Intervenor.

CASE NO. CU-13-268

ORDER NO. 2562

ORDER GRANTING COMPLAINANT'S  
MOTION FOR LEAVE TO  
FILE FIRST AMENDED PROHIBITED  
PRACTICE COMPLAINT, FILED ON  
OCTOBER 28, 2008

ORDER GRANTING COMPLAINANT'S MOTION  
FOR LEAVE TO FILE A FIRST AMENDED PROHIBITED  
PRACTICE COMPLAINT, FILED ON OCTOBER 28, 2008

On October 28, 2008, Complainant EDDY CONWAY (CONWAY), pro se, filed a Motion for Leave to File a First Amended Prohibited Practice Complaint, and Notice to the Parties of Change of Address with the Hawaii Labor Relations Board (Board.). CONWAY attached a copy of a First Amended Prohibited Practice Complaint which, inter alia, adds Darwin Ching and Colleen LaClair as Respondents in these proceedings; alleges the creation of a hostile work environment and unjust discipline, up to and including termination; alleges Respondents failed to follow the grievance procedure; alleges the union failed to prosecute grievances on his behalf; alleges improper election of a union steward, and not permitting Complainant to vote on union stewards or representation since 2007.

On November 5, 2008, Respondent DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, State of Hawaii, by and through their counsel, filed an Opposition to Complainant's Motion for Leave to Amend his Complaint with the Board. Respondents contend that Complainant failed to file a timely complaint, failed to exhaust

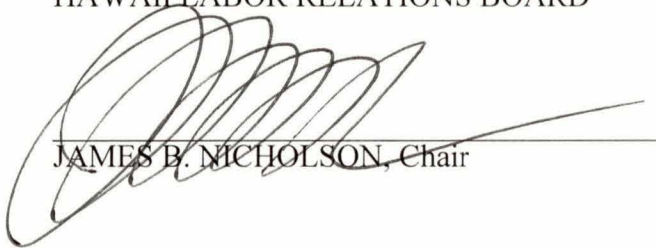
his contractual remedies, the Complaint fails to state a claim, and the Board lacks authority to award money damages.

After reviewing the record, the Board notes that Respondents filed a Motion to Dismiss Prohibited Practice Complaint on October 20, 2008, containing similar arguments that the Board lacks jurisdiction over this matter. The Board has scheduled a hearing on pending motions on December 4, 2008. Thus, it would be premature to address the jurisdictional arguments at this stage and the Board will reserve its ruling on jurisdiction. Accordingly, for good cause shown, the Board, in its discretion, hereby grants Complainant's motion to amend its complaint pursuant to Hawaii Administrative Rules § 12-42-43.<sup>1</sup>

Complainant shall forthwith file his 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 \_\_\_\_\_ November 10, 2008 \_\_\_\_\_.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



EMORY J. SPRINGER, Member

Copies sent to:

Eddy Conway  
Peter Liholiho Trask, Esq.  
David Fitzpatrick, Deputy Attorney General

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<sup>1</sup>Hawaii 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.