

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

UNIVERSITY OF HAWAII
PROFESSIONAL ASSEMBLY,

Complainant,

and

BOARD OF REGENTS, University of
Hawaii, State of Hawaii,

Respondent.

CASE NO. CE-07-702

ORDER NO. 2605

ORDER GRANTING RESPONDENT'S
MOTION TO WITHDRAW
"RESPONDENT'S MOTION TO
DISMISS COMPLAINANT'S
AMENDED NOTICE TO
RESPONDENT OF UNFAIR LABOR
PRACTICE COMPLAINT; UNFAIR
LABOR PRACTICE COMPLAINT",
FILED APRIL 14, 2009; AND ORDER
GRANTING COMPLAINANT'S
MOTION FOR LEAVE TO FILE FIRST
AMENDED PROHIBITED PRACTICE
COMPLAINT, FILED APRIL 9, 2009

ORDER GRANTING RESPONDENT'S MOTION
TO WITHDRAW "RESPONDENT'S MOTION TO DISMISS
COMPLAINANT'S AMENDED NOTICE TO RESPONDENT OF
UNFAIR LABOR PRACTICE COMPLAINT; UNFAIR LABOR
PRACTICE COMPLAINT", FILED APRIL 14, 2009; AND ORDER
GRANTING COMPLAINANT'S MOTION FOR LEAVE TO FILE FIRST
AMENDED PROHIBITED PRACTICE COMPLAINT, FILED APRIL 9, 2009

On April 9, 2009, Complainant UNIVERSITY OF HAWAII PROFESSIONAL ASSEMBLY (UHPA), by and through its counsel, filed a Motion for Leave to File First Amended Prohibited Practice Complaint with the Hawaii Labor Relations Board (Board). UHPA's counsel stated in a declaration attached to the motion that the Unfair Labor Practice Complaint in the instant case was filed incorrectly on HLRB Form 11, citing inapplicable provisions under Hawaii Revised Statutes (HRS) Chapter 377.

On April 13, 2009, Respondent BOARD OF REGENTS, University of Hawaii, State of Hawaii (BOR), by and through its counsel, filed a Motion to Dismiss Complainant's "Amended Notice to Respondent of Unfair Labor Practice Complaint; Unfair Labor Practice Complaint" (Motion to Dismiss). Respondent contended that it is exempt from the coverage of HRS Chapter 377 because it is not an employer within the meaning of HRS § 377-1(2).

On April 14, 2008, Respondent filed a motion to withdraw its Motion to Dismiss in light of Complainant's filing of its Motion for Leave to File First Amended Prohibited Practice Complaint.

On April 15, 2009, Respondent filed a Statement of No Opposition to "Complainant's Motion for Leave to File First Amended Prohibited Practice Complaint" with the Board.

Based upon a review of the motions and the record herein, the Board hereby grants Respondent BOR's Motion to Withdraw its Motion to Dismiss and Complainant's Motion for Leave to File First Amended Prohibited Practice Complaint pursuant to Hawaii Administrative Rules § 12-42-43.¹

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, April 20, 2009.

HAWAII LABOR RELATIONS BOARD


EMORY J. SPRINGER, Member


SARAH R. HIRAKAMI, Member

Copies sent to:

Linda M. Aragon, Esq.
Gregory M. Sato, Esq.

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.