

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

JONATHAN TAUM, CHAD ROSS,
CARL L. KAHAWAI, QUINCY G.K.
PACHECO, BRADFORD J. LEIALOHA and
JULIEANN L. SALAS,

Complainants,

and

DEPARTMENT OF HUMAN RESOURCES
DEVELOPMENT, State of Hawaii and
UNITED PUBLIC WORKERS, AFSCME,
LOCAL 646, AFL-CIO,

Respondents.

CASE NOS.: CE-10-737
CU-10-284

ORDER NO. 2691

ORDER GRANTING
COMPLAINANTS' MOTION TO
AMEND PROHIBITED PRACTICE
COMPLAINT FILED ON
NOVEMBER 13, 2009, FILED ON
FEBRUARY 8, 2010

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TO AMEND PROHIBITED PRACTICE COMPLAINT
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On January 7, 2010, the Hawaii Labor Relations Board (Board) conducted a hearing on the UPW's Motion to Dismiss and/or for Summary Judgment and took the matter under advisement.

On February 8, 2010, Complainants, by and through their counsel, filed a Motion to Amend Prohibited Practice Complaint Filed on November 13, 2009 (Motion to Amend). In its Motion to Amend, the Complainants sought to include the discussion and the agreement in HLRB Decision (sic) 720,¹ affecting the closure of the Kulani Correctional Facility (KCF) by the Respondents in the present case, as further evidence of the Respondent UNITED PUBLIC WORKERS, AFSCME, Local 646, AFL-CIO's (UPW) breach of the duty of fair representation and of the State's violation of the applicable collective bargaining agreement. Complainants contend that in its initial prohibited practice complaint, Complainants alleged that Respondents violated the terms and conditions of the collective bargaining agreement by failing to allow displaced KCF employees to fill departmental vacancies statewide instead of allowing them to bump Hawaii Community Correctional Center (HCCC) employees which forced the HCCC

¹Complainants appear to refer to the proceedings in Case Nos.: CE-01-720a, CE-10-720b.

employees to find vacancies statewide. Complainants allege that on or about February 3, 2010, Respondents signed an agreement which in relevant part agreed that displaced employees must be placed in any departmental vacancies on a statewide basis and evidenced that Respondents knew the correct procedures under the applicable collective bargaining agreement.

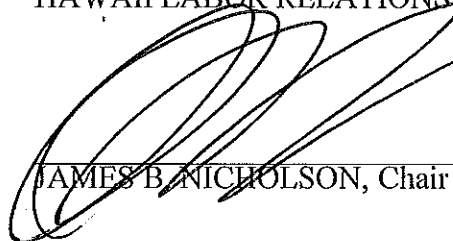
Respondents, respectively, did not file an opposition to Complainants' Motion to Amend Complaint.

Based on a review of the record and the motion submitted, the Board, in its discretion, finds that it does not need oral argument on Complainant's Motion to Amend Complaint, and in the absence of opposition, hereby grants Complainants' Motion to Amend, for good cause shown pursuant to Hawaii Administrative Rules (HAR) §12-42-43.²

Complainant shall immediately 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, March 3, 2010.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



SARAH R. HIRAKAMI, Member

Copies sent to:

Ted H.S. Hong, Esq.
Richard H. Thomason, Deputy Attorney General
Herbert R. Takahashi, Esq.

²HAR § 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.