

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. 2693

ERRATA AND ORDER AMENDING
ORDER NO. 2691, DATED MARCH 3,
2010

ERRATA AND ORDER AMENDING ORDER NO. 2691, DATED MARCH 3, 2010

In Order No. 2691, Order Granting Complainants' Motion to Amend Prohibited Practice Complaint Filed on November 13, 2009, Filed on February 8, 2010, dated March 3, 2010, the Hawaii Labor Relations Board (Board) incorrectly stated that "Respondents, respectively, did not file an opposition to Complainants' Motion to Amend Complaint."

Order No. 2691 should correctly reflect that, Respondent DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT, State of Hawaii did not file an opposition to the Complainants' Motion to Amend Complaint and on February 8, 2010, Respondent UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) filed a Memorandum in Opposition to Complainant's Motion to Amend Prohibited Practice Complaint with the Board. The UPW opposed the amendment of the complaint arguing, *inter alia*, Complainants seek to challenge the resolution entered by the union and employer in Case Nos. CE-01-720a and CE-10-720b alleging that it constitutes a breach of duty of fair representation; Complainants failed to intervene in Case Nos. CE-01-720a, CE-10-720b; it would be futile to permit the amendment because the terms of the resolution are consistent with the duty of fair representation; and the proposed amendment seeks to include a claim which is already the subject of another action.

Order No. 2691 should also reflect that based upon a review of the record, the motion submitted and consideration of the UPW's opposition, the Board, in its

discretion, finds that it did not need oral argument on Complainants' Motion to Amend Complaint, and grants the Motion for good cause shown pursuant to Hawaii Administrative Rules (HAR) § 12-42-43.¹ The Board finds that the additional allegations against Respondents appear related to the issues in this Complaint; that Complainants would be able to file a separate timely complaint against the Respondents challenging the resolution reached in Case Nos. CE-01-720a, CE-10-720b, and that it is more efficient to resolve the issues in this proceeding.

Complainants shall immediately file their First Amended Prohibited Practice Complaint with the Board.

DATED: Honolulu, Hawaii, _____ March 11, 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.

¹HAR § 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.