

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

UNITED PUBLIC WORKERS, AFSCME,  
LOCAL 646, AFL-CIO,

Complainant,

and

ANDREW STINNETT; FRIENDS OF  
HAWAII CORRECTIONS; and HAWAII  
ASSOCIATION OF CORRECTIONS AND  
AFFILIATES,

Respondents.

CASE NOS.: CEE-10-03  
CU-10-304

ORDER NO. 2809

ORDER GRANTING UPW'S MOTION  
TO AMEND COMPLAINT, FILED ON  
JULY 11, 2011

ORDER GRANTING UPW'S MOTION TO  
AMEND COMPLAINT, FILED ON JULY 11, 2011

On July 11, 2011, Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW or Complainant) filed a Motion to Amend Complaint (Motion to Amend) with the Hawaii Labor Relations Board (Board). The UPW requested leave to amend the Complaint filed in this case to add an allegation that Respondents repudiated the terms and conditions of the May 24, 2011 stipulation and agreement, in violation of Hawaii Revised Statutes (HRS) § 89-13(b)(4) and (5).

On July 18, 2011, Respondents filed a Memorandum in Opposition to Complainant's Motion to Amend Complaint with the Board. Respondents contend, inter alia, that Complainant's Motion to Amend should be denied because Respondents have not repudiated the settlement agreement; Complainant's proposed amendments fail to cite the specific provision of Chapter 89 and the collective bargaining agreement allegedly violated; and the proposed amendment does not clarify or amplify any claims of substance.

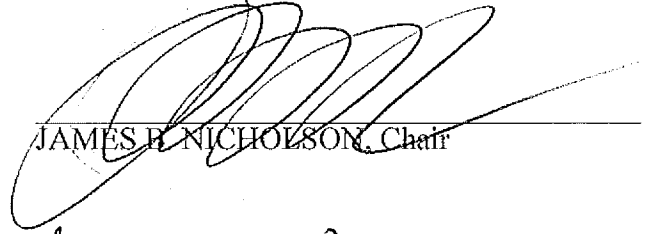
On July 20, 2011, Respondents filed a Motion for Board Approval of its Proposed Stipulation and Order or, in the Alternative, Dismissal of Complainant's Complaint with the Board.

On August 3, 2011, the Board conducted a hearing on Complainant's Motion to Amend. After review of the record and consideration of Complainant's motion, the Board in its discretion hereby grants the UPW's Motion to Amend Complaint pursuant to Hawaii Administrative Rules (HAR) § 12-42-43.<sup>1</sup>

Accordingly, Complainant shall immediately file its First Amended Prohibited Practice Complaint with the Board, as attached to its Motion to Amend filed on July 11, 2011. The Board will thereupon issue a Notice to Respondents of the Amended Prohibited Practice Complaint and in due course, will schedule a hearing on further motions and/or supplemental arguments to Respondents' Motion for Board Approval of its Proposed Stipulation and Order or, in the Alternative, Dismissal of Complainant's Complaint, filed with the Board.

DATED: Honolulu, Hawaii, August 4, 2011.

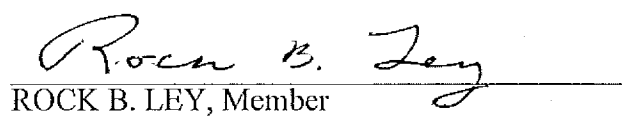
HAWAII LABOR RELATIONS BOARD



JAMES R. NICHOLSON, Chair



SESNITA A. D. MOEPONO, Member



ROCK B. LEY, Member

Copies sent to:

Herbert R. Takahashi, Esq.  
David F.E. Banks, Esq.

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<sup>1</sup>Hawaii Administrative Rules (HAR) § 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.