

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

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

Complainant,

and

NEIL ABERCROMBIE, Governor, State of
Hawaii; WILLIAM J. AILA, Chairperson,
Board of Land & Natural Resources,
Department of Land & Natural Resources,
State of Hawaii; RANDY L. AWO, Acting
Chief of Enforcement, Department of Land &
Natural Resources, State of Hawaii; and
CLARENCE M. YAMAMOTO, Acting
Maui Branch Conservation and Resources
Enforcement District Manager, Division of
Conservation and Resources Enforcement
Maui Branch, Department of Land and
Natural Resources, State of Hawaii,

Respondents.

CASE NO. CE-03-806

ORDER NO. 2875

ORDER GRANTING
COMPLAINANT'S MOTION TO
AMEND PROHIBITED PRACTICE
COMPLAINT FILED ON JUNE 8,
2012, FILED SEPTEMBER 12, 2012

ORDER GRANTING COMPLAINANT'S MOTION TO AMEND PROHIBITED
PRACTICE COMPLAINT, FILED ON JUNE 8, 2012, FILED SEPTEMBER 12, 2012

On September 12, 2012, Complainant, HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, Local 152, AFL-CIO (Complainant or HGEA) filed a Motion to Amend Prohibited Practice Complaint with the Hawaii Labor Relations Board (Board). In paragraphs 23 to 27 of the Amended Complaint, the Complainant seeks to clarify the allegations against Respondents, to relate that the alleged prohibited practices were wilful, and included providing legal services to bargaining unit employees deemed friendly to Respondents' interest, which is neither a right nor a duty of the employer in an action against a union for breach of the duty of fair representation.

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.

After review of the record, consideration of the Complainant's motion, and the memorandum in opposition from Respondents, the Board in its discretion hereby grants the HGEA's Motion to Amend Prohibited Practice Complaint pursuant to HAR § 12-42-43.

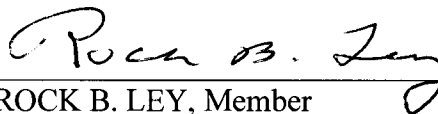
Accordingly, Complainant shall immediately file its Amended Prohibited Practice Complaint with the Board, as attached to its Motion to Amend Prohibited Practice Complaint. The Board will thereupon issue a Notice to Respondents of the Amended Prohibited Practice Complaint and Respondents shall file a written answer to the amended complaint within ten days after service of the First Amended Prohibited Practice Complaint.

DATED: Honolulu, Hawaii, January 24, 2013.

HAWAII LABOR RELATIONS BOARD



SESNITA A.D. MOEPONO, Member



ROCK B. LEY, Member

Copies sent to:

Peter Liholiho Trask, Esq.

Richard H. Thomason, Deputy Attorney General