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Transaction ID 58504754
Case No. CE 01-856 / CU 01-332

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

NATHAN MAKINO,

Complainant,

and

COUNTY OF HAWAII and UNITED
PUBLIC WORKERS, AFSCME,
LOCAL 646, AFL-CIO,

Respondents.

CASE NOS.: CE-01-856

CU-01-332

ORDER NO. 3143

ORDER GRANTING LEAVE TO
FILE A MOTION TO AMEND
PROHIBITED PRACTICE
COMPLAINT

ORDER GRANTING LEAVE TO FILE A
MOTION TO AMEND PROHIBITED PRACTICE COMPLAINT

I. Background

On April 20, 2015, Complainant NATHAN MAKINO (Complainant) filed with the Board a Prohibited Practice Complaint (Complaint) against Respondents COUNTY OF HAWAII (County) and UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW). The Complaint involves Complainant's termination from his job with the County as a result of physical altercation that occurred at work on or about January 24, 2014.

On January 4, 2016, UPW filed Respondent UPW's Motion to Dismiss for Failure to Establish Breach of Duty of Fair Representation (UPW's Motion), together with a Memorandum in Support of Motion, Declaration of Alton Nosaka, Affidavit of Herbert Takahashi, and Exhibits 27 through 67. Also on January 4, 2016, the County filed County of Hawaii's Motion to Dismiss Conspiracy Claim (County's Motion), together with a Memorandum in Support of Motion, Declaration of Counsel and Exhibit "A."

On January 26, 2016, oral arguments on the UPW Motion and the County's Motion were held before the Hawaii Labor Relations Board (Board). In the oral arguments, Complainant's counsel orally requested leave from the Board to amend the Complaint. The Board granted leave to Complainant to file within seven (7) days (February 2, 2016 deadline) a motion for leave to amend the Complaint. The Board also granted UPW and the County the opportunity to file their opposition, if any, to Complainant's motion to amend by February 16, 2016.

Pending the filing of, and the Board's decision on Complainant's motion to amend the Complaint, the Board took the UPW and the County's Motions under advisement.


DATED: Honolulu, Hawaii, February 1, 2016.

HAWAII LABOR RELATIONS BOARD




KERRY M. KOMATSUBARA, Chair


SESNITA A.D. MOEPONO, Member


ROCK B. LEY, Member

Copies sent to:

Ted H. S. Hong, Attorney for Claimant

Herbert R. Takahashi, Esq., Attorney for Respondent UPW

Melody A. Parker, Deputy Corporation Counsel for Respondent County of Hawaii