



STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

EFiled: Apr 12 2016 10:18AM HAST
Transaction ID 58853200
Case No. CE 01-856 / CU 01-332

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. ³¹⁵⁵

ORDER GRANTING COMPLAINANT'S
MOTION TO AMEND COMPLAIN-
ANT'S PROHIBITED PRACTICE
COMPLAINT FILED ON APRIL 20,
2015

**ORDER GRANTING COMPLAINANT'S MOTION
TO AMEND COMPLAINANT'S PROHIBITED
PRACTICE COMPLAINT FILED ON APRIL 20, 2015**

On February 1, 2016, the Hawaii Labor Relations Board (Board) issued Order No. 3143, "Order Granting Leave to File a Motion to Amend Prohibited Practice Complaint" in this matter.

On February 2, 2016, Complainant NATHAN MAKINO (Complainant) filed Complainant's Motion to Amend Complainant's Prohibited Practice Complaint filed on April 20, 2015 (Motion to Amend Complaint) by including and incorporating applicable BU 01 Collective Bargaining Agreement sections and clarifying the issues. One of the amendments is Complainant's new allegation that "UPW unfairly prejudiced the Complainant by abruptly withdrawing its request for arbitration in the present case, by which time, any applicable deadlines to pursue his arbitration on his own behalf had expired. This left the Complainant unable to pursue any settlement agreement or challenge his termination according to the applicable sections of the UPW collective bargaining agreement." *See*, Motion to Amend Complaint, at page 2 of Memorandum in Support.

On February 16, 2016, Respondent COUNTY OF HAWAII (County) filed County of Hawaii's Memorandum in Opposition to Complainant's Motion to Amend Complainant's Prohibited Practice Complaint Filed on April 20, 2015 (Filed February 2, 2016), together with Exhibits "A" – "B" (County's Opposition).

On February 17, 2016, Respondent UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (Union) filed UPW's Opposition to Complainant's Motion to Amend Complainant's Prohibited Practice Complaint Filed on February 2, 2016, together with the Supplemental Declaration of Dayton M. Nakanelua, and Exhibits 68 through 82 (Union's Opposition).

On February 23, 2016, Complainant filed Complainant's Reply Memorandum in Support of Complainant's Motion to Amend Complainant's Prohibited Practice Complaint Filed on April 20, 2015, Filed on February 2, 2016 (Complainant's Reply).

HAR § 12-42-43 provides that "Any complaint may be amended in the discretion of the Board at any time prior to issuance of a final order." Accordingly, based on the Motion to Amend Complaint and review of the record herein, the Board in its discretion hereby grants Complainant's Motion to Amend Complaint pursuant to HAR § 12-42-43.

Complainant shall immediately file its Amended Prohibited Practice Complaint with the Board (Amended Complaint) attached to its Motion to Amend Complaint. Upon receipt of the Amended Complaint the Board will issue a Notice to Respondents COUNTY OF HAWAII and UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO of the Amended Complaint (Notice). The County and the Union shall both have ten (10) days after service of this Notice to file an answer to the Amended Complaint.

The Board shall continue the hearing on (1) the Union's Motion to Dismiss and/or For Summary Judgment which was filed on June 12, 2015, and (2) the County's Motion to Dismiss Conspiracy Claim which was filed on January 4, 2016 (Continued Hearing) to 9:00 a.m. on May 19, 2016 at the Board's hearing room located at Room 434, 830 Punchbowl Street, Honolulu, Hawaii.

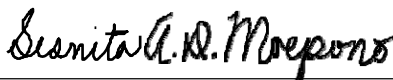
Auxiliary aids and services are available upon request by calling Ms. Nora Ebata of the Board at (808) 586-8610, (808) 586-8847 (TTY), or 1 (888) 569-6859 (TTY neighbor islands). A request for reasonable accommodations should be made no later than ten working days prior to the needed accommodation.

DATED: Honolulu, Hawaii, April 12, 2016.

HAWAII LABOR RELATIONS BOARD

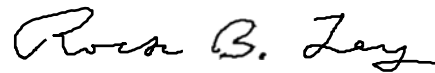


KERRY M. KOMATSUBARA, Chair



SESNITA A.D. MOEPONO, Member

NATHAN MAKINO v. COUNTY OF HAWAII and UPW
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AMEND COMPLAINANT'S
PROHIBITED PRACTICE COMPLAINT FILED ON APRIL 20, 2015
ORDER NO. 3155



ROCK B. LEY, Member

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