

STATE OF HAWAII
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of)
DENNIS YAMAGUCHI,)
Complainant,)
and)
EDUARDO E. MALAPIT, Mayor)
of the County of Kauai,)
and)
UNITED PUBLIC WORKERS,)
LOCAL 646, AFSCME, AFL-CIO,)
Respondents.)

Case Nos. CE-01-52
CU-01-35

Order No. 316

ORDER GRANTING MOTION FOR LEAVE TO AMEND COMPLAINT

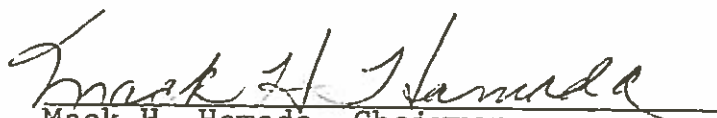
On April 9, 1980, attorney for the above-named Complainant filed with this Board a Motion and a Memorandum in Support of Motion to Amend the prohibited practice charges to conform to the evidence presented during the hearings on March 31 and April 1, 1989 and to allege additional violations. Subsequently, on April 17, 1980, attorney for the above-named Complainant filed a Motion for Leave to Amend Complaint accompanied by an Affidavit of Counsel and an Amended Prohibited Practice Charge. Said motion was filed to correct typographical errors in the motion filed on April 9, 1980. The Motion for Leave to Amend Complaint is hereby granted.

Respondents shall have ten (10) working days after receipt of the Amended Complaint to file with this Board the original and five (5) copies of their answer, with proof of service upon Complainant. If Respondents fail to timely file

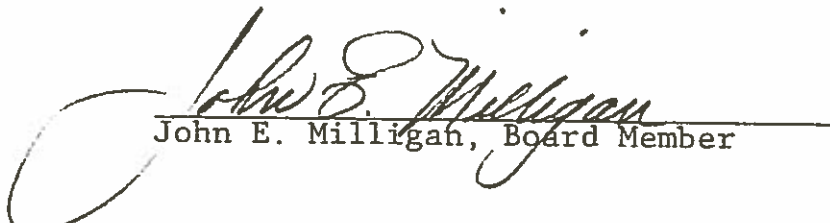
and service an answer, such failure shall constitute an admission of the material facts alleged in the Amended Complaint and a waiver of a hearing. According to Board Rule 3.05(c), however, the Respondents may file a Motion for Particularization of the Complaint within five (5) working days after service of the Complaint. The filing of such motion would extend the time for submission of an answer.

Any party desiring a hearing for the purpose of calling witnesses and introducing additional evidence into the record based on the Amended Prohibited Practice Charge, shall notify the Board of its desire by May 2, 1980.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD


Mack H. Hamada, Chairman


James K. Clark, Board Member


John E. Milligan, Board Member

Dated: April 18, 1980

Honolulu, Hawaii