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Case No. 17-CE-12-905

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

STATE OF HAWAII ORGANIZATION OF
POLICE OFFICERS,

Complainant,

and

AMANDA FURMAN, CITY AND COUNTY
OF HONOLULU

Respondents,

CASE NO. 17-CE-12-905

ORDER NO. 3314

ORDER ACCEPTING COMPLAINANT'S
FIRST AMENDED PROHIBITED
PRACTICE COMPLAINT AND GRANTING
MOTION TO AMEND PROHIBITED
PRACTICE COMPLAINT

**ORDER ACCEPTING COMPLAINANT'S FIRST
AMENDED PROHIBITED PRACTICE COMPLAINT AND
GRANTING MOTION TO AMEND PROHIBITED PRACTICE COMPLAINT**

On December 7, 2017, Complainant STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS (Complainant) (SHOPO) filed with Hawaii Labor Relations Board (Board) a Prohibited Practice Complaint (Original Complaint) that alleged, *inter alia*, that the City and County of Honolulu (City) and Amanda Furman, Esq., Deputy Corporation Counsel (Furman and collectively Respondents) violated Hawaii Revised Statutes (HRS) §89-13(a)(8) by willfully and intentionally violating the terms of the collective bargaining agreement (CBA) in effect between the parties when Furman disclosed confidential information relating to grievances being processed to arbitration by the exclusive representative SHOPO, to persons not directly participating or involved in the arbitrations and without authority to receive such confidential information under the terms of the CBA.

On December 15, 2017, the Complainant filed a FIRST AMENDED PROHIBITED PRACTICE COMPLAINT (First Amended Complaint) alleging, *inter alia*, willful and intentional conduct, actions, and inactions in violation of the applicable CBA by Respondents constituting prohibited practices in violation of HRS §89-13(a)(1)-(4), (7), and (8).

On December 18, 2017, the Respondents filed RESPONDENTS' ANSWER TO FIRST AMENDED PROHIBITED PRACTICE COMPLAINT (Answer). The Respondents' Answer did not object to the Complainant's filing of the First Amended Prohibited Practice Complaint.

Further, in a filing on December 20, 2017, RESPONDENTS' POSITION STATEMENT IN REGARD TO SHOPO'S MEMORANDUM IN OPPOSITION TO RESPONDENT'S

MOTION TO DISMISS FILED DECEMBER 19, 2017 AND WITHDRAWAL OF RESPONDENTS' MOTION TO DISMISS FILED ON DECEMBER 14, 2017 WITHOUT PREJUDICE, Respondents acknowledged the Complainant's First Amended Prohibited Practice Complaint, filed on December 15, 2017, without any objection and noted that Respondents' Motion to Dismiss "...was rendered moot when SHOPO filed its Amended Complaint."

The relevant Board rules governing amendment of documents provide as follows. Hawaii Administrative Rules (HAR) §12-42-8(g)(10)(B) states in relevant part, "A party moving for amendment of a document shall file a motion for leave to amend together with the proposed amended document." HAR §12-42-43 Amendment, further states, "Any complaint may be amended in the discretion of the board at any time prior to the issuance of a final order thereon."

Accordingly, the Board shall consider the Complainant's December 15, 2017 filing of the First Amended Complaint to be a motion for leave to file an amendment of the Original Complaint filed on December 7, 2017. As noted above, Respondents have not only failed to object to the filing of the First Amended Complaint, but have filed an Answer to the First Amended Complaint, and taken the position that the filing of the First Amended Complaint rendered moot the Respondents' Motion to Dismiss.

THEREFORE, The Board, in its discretion, GRANTS the Complainant's motion for leave to file the First Amended Complaint, and further directs the Complainant to file with the Board the First Amended Complaint, filed on December 15, 2017, **by 1:00 p.m. on Monday, January 8, 2018.**

DATED: Honolulu, Hawaii, January 5, 2018.

HAWAII LABOR RELATIONS BOARD



Marcus R. Oshiro, Chair



Sesnita A. D. Moepono, Member



J.N. Musto, Member

Copies to:

Ernest H. Nomura, Deputy Corporation Counsel

Vladmir Devens, Esq.