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Case No. 18-CU-10-370**

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

DANIEL EDWARD PARKER,

Complainant,

and

UNITED PUBLIC WORKERS,
AFSCME, LOCAL 646, AFL-CIO

Respondents.

CASE NO. 18-CU-10-370

ORDER NO. 3440

ORDER GRANTING IN PART
COMPLAINANT'S MOTION FOR
LEAVE TO AMEND COMPLAINT
AND TO CONTINUE HEARING ON
THE MERITS

**ORDER GRANTING IN PART COMPLAINANT'S MOTION FOR
LEAVE TO AMEND COMPLAINT AND TO CONTINUE HEARING ON THE MERITS**

On December 17, 2018, Complainant DANIEL EDWARD PARKER (Complainant or Parker), self-represented litigant (SRL), filed with the Hawai'i Labor Relations Board (Board), a Prohibited Practice Complaint (Complaint) against UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW or Respondents) for alleged violations of Hawai'i Revised Statutes (HRS) § 89-13(b)(3). On December 24, 2018, Respondent filed a pre-hearing statement, which stated, *inter alia*, that it would not waive its statutory right to a hearing within 40 days of the date the Complaint was filed pursuant to Hawai'i Administrative Rules (HAR) § 12-42-46(b).

On January 4, 2019, the Board issued Order No. 3437 AMENDED PRETRIAL ORDER AND NOTICES; (1) NOTICE TO RESPONDENT(S) OF PROHIBITED PRACTICE COMPLAINT; (2) NOTICE REGARDING PROTECTION OF SOCIAL SECURITY NUMBERS AND PERSONAL INFORMATION; (3) NOTICE OF PREHEARING CONFERENCE; (4) AMENDED NOTICE OF PRETRIAL CONFERENCE; (5) NOTICE OF HEARING ON THE MERITS; AND (6) SCHEDULE OF HEARINGS, CONFERENCES, AND DEADLINES.

On January 11, 2019, Complainant by and through his retained counsel, filed a MOTION FOR LEAVE TO AMEND COMPLAINT AND TO CONTINUE HEARING ON THE MERITS

(Motion for Leave) with the Board pursuant to HAR § 12-42-43 which states, “Any complaint may be amended in the discretion of the board at any time prior to the issuance of a final order thereon.”

On January 14, 2019, Complainant filed Complainant’s Proposed First Amended Prohibited Practice Complaint (Proposed First Amended Complaint), pursuant to HAR § 12-42-8(g)(10)(B) which 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.” The Proposed Amended Complaint added the Employer, State of Hawai‘i, Department of Public Safety, as a Respondent. The Proposed Amended Complaint alleges against the Employer, *inter alia*, a violation of HRS § 89-13(a)(8) and alleges violations of HRS § 89-8(a) and HRS § 89-13(b)(4) against the UPW.

On January 15, 2019, the Respondent filed RESPONDENT UPW’S OPPOSITION TO MOTION TO AMEND COMPLAINT AND TO CONTINUE HEARING ON THE MERITS.

THEREFORE, upon review of the full record herein, the Board, for good cause shown, pursuant to HAR § 12-42-43, hereby GRANTS Complainant’s Motion for Leave to Amend Complaint.

The Board orders the Complainant to file with the Board a re-executed and re-dated copy of the Proposed First Amended Complaint submitted on January 14, 2019 as the First Amended Complaint by 4:30 p.m. on Wednesday, January 23, 2019.

Pursuant to HAR § 12-42-46(b), the hearing on the merits shall be held not less than ten nor more than forty days after the filing of the First Amended Complaint.

YOU ARE FURTHER HERBY NOTIFIED that the Board will remove from the calendar the Pretrial Conference scheduled for Tuesday, January 22, 2019. After the First Amended Complaint is filed, the Board will issue a Second Amended Pretrial Order and Notices rescheduling the dates, including those for hearings, conferences, and deadlines. All other provisions and requirements set forth in Order No. 3437 remain in effect.

DATED: Honolulu, Hawai‘i, January 17, 2019.



HAWAI‘I LABOR RELATIONS BOARD

MARCUS R. OSHIRO, Chair

Sesnita A. D. Moepono

SESNITA A.D. MOEPONO, Member

J. N. Musto

J N. MUSTO, Member

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