

STATE OF HAWAII

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of)	CASE NOS.:	CE-13-65
)		CU-13-39
EDGAR H. W. LUM,)		
)	ORDER NO.	496
Complainant,)		
)	ORDER DENYING MOTION TO	
and)	AMEND PROHIBITED PRACTICE	
)	COMPLAINT	
EILEEN R. ANDERSON, Mayor)		
of the City and County of)		
Honolulu,)		
)		
and)		
)		
HAWAII GOVERNMENT EMPLOYEES)		
ASSOCIATION, AFSCME LOCAL)		
152, AFL-CIO,)		
)		
Respondents.)		

ORDER DENYING MOTION TO AMEND
PROHIBITED PRACTICE COMPLAINT

On March 28, 1984, Complainant EDGAR H. W. LUM, by and through his attorney, Rodney H. S. Kim, filed a motion to amend the prohibited practice complaint in this case. By his motion, Complainant requested the inclusion of a ten-day suspension levied against him by the Employer in November 1978 as a cause of action for relief.

Although Administrative Rules § 12-42-43 permits a complaint to be amended prior to the issuance of a final order in the case, such amendment is within the discretion of the Board. Here, Complainant seeks to add a new cause of action to his complaint originally filed on August 4, 1980. Even if the amend-

ment related back to the original filing of the complaint under Administrative Rules § 12-42-8(g)(10), the November 1978 suspension is well outside the ninety-day limitations period set forth in § 377-9, Hawaii Revised Statutes and Administrative Rules § 12-42-42 and beyond the Board's jurisdiction.

Thus, granting the instant motion would be a fruitless gesture. Accordingly, the Board hereby denies Complainant's Motion to Amend Prohibited Practice Complaint.

Dated: Honolulu, Hawaii, June 29, 1984.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD


MACK H. HAMADA, Chairperson


JAMES K. CLARK, Board Member


JAMES R. CARRAS, Board Member

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