

STATE OF HAWAI‘I

HAWAI‘I LABOR RELATIONS BOARD

In the Matter of

NARCIS D. SALERA,

Complainant(s),

and

ROGER BABCOCK, JR., Ph.D. P.E.,
Director, Department of Environmental
Services, City and County of Honolulu,

Respondent(s).

CASE NO(S). 20-CE-01-952

ORDER NO. 3867

ORDER GRANTING COMPLAINANT’S
MOTION TO AMEND COMPLAINT

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Complainant NARCIS D. SALERA (Complainant or Salera) filed a prohibited practice complaint (Complaint) with the Hawai‘i Labor Relations Board (Board) on November 2, 2020. The Board previously permitted Salera to amend his Complaint twice.

Salera submitted a third Motion to Amend Complaint under Hawai‘i Administrative Rules (HAR) § 12-42-43 on April 18, 2022. Respondent ROGER BABCOCK, JR., Ph.D. P.E., Director, Department of Environmental Services, City and County of Honolulu (Respondent or Babcock) opposed the Motion to Amend Complaint and argued, among other things, that the amendment would not be justified under the Hawai‘i Rules of Civil Procedure (HRCP).

HAR § 12-42-43 states that, “Any complaint may be amended in the discretion of the board at any time prior to the issuance of a final order thereon,” and HAR § 12-42-8(g)(10)(A) further states, “Any document filed in a proceeding may be amended, in the discretion of the board, at any time prior to the issuance of a final order thereon.”

The Board is not bound by the Hawai‘i Rules of Civil Procedure (HRCP) and has not adopted the HRCP.

The Board hereby GRANTS Complainant’s Motion to Amend Complaint and directs Salera to file the Third Amended Prohibited Practice Complaint with the Board on or by July 8, 2022 at 4:30 p.m..

DATED: Honolulu, Hawai'i, July 7, 2022.

HAWAI'I LABOR RELATIONS BOARD

MARCUS R. OSHIRO, Chair

SESNITA A.D. MOEPOHO, Member

J N. MUSTO, Member

Copies sent to:

Rebecca Covert, Esq.

Ernest Nomura, Deputy Corporation Counsel

SALERA v. BABCOCK

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