STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of) CASE NO. CU-10-212
GORDON K. LESLIE,	ORDER NO. 2140
Complainant,	ORDER GRANTING RESPONDENTS' MOTION FOR PARTICULARIZATION
LAURIE SANTIAGO, Business Agent, United Public Workers, AFSCME, Local 646, AFL-CIO and UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO,))))
Respondents.))

ORDER GRANTING RESPONDENTS' MOTION FOR PARTICULARIZATION

On December 12, 2002, Respondents LAURIE SANTIAGO, Business Agent, United Public Workers, AFSCME, Local 646, AFL-CIO and UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (collectively UPW or Union), by and through their counsel, filed a Motion for Particularization of the Complaint with the Hawaii Labor Relations Board (Board). The UPW contends that the complaint is vague and fails to specify the sections of the agreement which the employer or UPW allegedly violated or when, how, and in what manner the agreement was violated. In addition, Complainant alleged that the UPW violated the "vagueness doctrine," without further description of what the doctrine is or how and in what manner the Union violated the doctrine. Without such information, the UPW contends that it cannot reasonably be required to frame an answer to the complaint.

After reviewing the complaint and the arguments raised, the Board finds that the complaint is vague in that Complainant fails to specify when and how the employer or Union violated the agreement. In addition, Complainant alleged a violation of the "vagueness doctrine" without further definition or description. The Board therefore directs Complainant to file a particularization with the Board setting forth specific facts as to when and in what manner the UPW is alleged to have violated the agreement and specifying the sections of the agreement violated. In addition, Complainant shall define the "vagueness doctrine" and set forth specific facts as to when and in what manner the UPW violated the doctrine. Accordingly, the Board grants UPW's motion for particularization.

The Board hereby directs Complainant to file the original and five copies of the requested Particularization, with proof of service upon the Respondents, no later than 4:30 p.m. of the fifth working day after service of this Order. If Complainant fails to file and serve the requested Particularization in a timely manner, the Board shall dismiss the subject Prohibited Practice Complaint.

Respondent UPW is directed to file with this Board the original and five copies of its Answer addressing the Complaint and Particularization, with proof of service upon Complainant no later than 4:30 p.m. of the fifth working day after service of Complainant's Particularization. Failure by the UPW to file its Answer in a timely manner may constitute an admission of the material facts alleged in the Complaint and Particularization and a waiver of a hearing.

DATED: Honolulu, Hawaii,	December 20, 2002	
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HAWAII LABOR RELATIONS BOARD

BRIAN K. NAKAMURA, Chair

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KATHLEEN RACYYA-MARKRICH, Member

Copies sent to:

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