

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. CE-12-249
	)	
CALVIN DAVID MILLER,	)	ORDER NO. 1194
	)	
Complainant,	)	ORDER DENYING RESPONDENT'S
	)	MOTION FOR FURTHER PARTICU-
and	)	LARIZATION OF THE COMPLAINT
	)	AND GRANTING MOTION FOR
MICHAEL NAKAMURA, Chief,	)	EXTENSION OF TIME TO FILE
Honolulu Police Department,	)	ANSWER; NOTICE OF PREHEARING
City and County of Honolulu,	)	CONFERENCE AND HEARING ON
	)	PROHIBITED PRACTICE COMPLAINT
Respondent.	)	
_____	)	

ORDER DENYING RESPONDENT'S MOTION FOR FURTHER  
PARTICULARIZATION OF THE COMPLAINT AND GRANTING MOTION  
FOR EXTENSION OF TIME TO FILE ANSWER; NOTICE OF PREHEARING  
CONFERENCE AND HEARING ON PROHIBITED PRACTICE COMPLAINT

On May 19, 1995, Respondent MICHAEL NAKAMURA, Chief, Honolulu Police Department, City and County of Honolulu, by and through his attorneys, filed Respondent's Motion for Further Particularization of the Complaint and Motion for Extension of Time to File Any Answer Subsequently Required with the Hawaii Labor Relations Board (Board). Respondent contends that Complainant's statement in response to the Board's Order Granting Respondent's Motion for Particularization of the Complaint is still vague and indefinite so that Respondent cannot be reasonably required to frame an answer thereto and violates Administrative Rules § 12-42-42.

After reviewing the complaint and the particularization filed by Complainant, the Board finds that Complainant attempted to comply with the Board's order to particularize the allegations of

his complaint. Complainant alleges, inter alia, that the Respondent engaged in a pattern of discrimination and retaliation against Complainant which culminated in his termination in violation of Chapter 89, HRS. Further, Complainant alleges that the Employer violated various provisions of the Unit 12 contract. Thus, Complainant contends that Respondent violated §§ 89-13(a)(1), (4), (7) and (8), Hawaii Revised Statutes. Thus, no useful purpose would be served by requiring Complainant to further particularize his allegations. The Board believes that Respondent can frame an answer to the Complaint as particularized, albeit a general denial. Hence, the Board hereby denies Respondent's motion for further particularization.

In addition, Respondent further requested a 20-day extension of time or whatever reasonable period in which to file an answer because of the unavailability of counsel. For good cause shown, the Board hereby grants the Respondent's request for an extension of time in which to file an answer to the Complaint as particularized. Respondent shall file an answer with the Board by 4:30 p.m. on June 6, 1995.

YOU ARE HEREBY NOTIFIED that the Board, pursuant to § 89-5(b)(4), HRS, and Administrative Rules § 12-42-47, will conduct a prehearing conference on the above-entitled prohibited practice complaint on June 15, 1995 at 9:00 a.m., in the Board's hearings room, Room 203, 550 Halekauwila Street, Honolulu, Hawaii.

The purpose of the prehearing conference is to arrive at a settlement or clarification of issues, to identify and exchange witness and exhibit lists, if any, and to the extent possible,

reach an agreement on facts, matters or procedures which will facilitate and expedite the hearing or adjudication of the issues presented. The parties shall file a Prehearing Statement which addresses the foregoing matters with the Board two days prior to the prehearing conference.

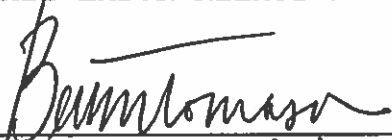
YOU ARE ALSO NOTIFIED that the Board will conduct a hearing, pursuant to §§ 89-5(b)(4) and 89-14, HRS, and Administrative Rules §§ 12-42-49 and 12-42-8(g) on the instant complaint on June 27, 1995 at 9:00 a.m. in the above-mentioned hearings room. The purpose of the hearing is to receive evidence and arguments on whether Respondents committed prohibited practices as alleged by the Complainant. The hearing may continue from day to day until completed.

The parties shall submit four copies of any exhibits identified and introduced into the record to the Board. Additional copies for opposing counsel shall also be provided.

All parties have the right to appear in person and to be represented by counsel or other representative.

DATED: Honolulu, Hawaii, May 24, 1995 .

HAWAII LABOR RELATIONS BOARD

  
BERT M. TOMASU, Chairperson

  
RUSSELL T. HIGA, Board Member

  
SANDRA H. EBESU, Board Member

CALVIN DAVID MILLER v. MICHAEL NAKAMURA, Chief, Honolulu Police  
Department, City and County of Honolulu; CASE NO. CE-12-249  
ORDER NO. 1194  
ORDER DENYING RESPONDENT'S MOTION FOR FURTHER PARTICULARIZATION  
OF THE COMPLAINT AND GRANTING MOTION FOR EXTENSION OF TIME TO  
FILE ANSWER; NOTICE OF PREHEARING CONFERENCE AND HEARING ON  
PROHIBITED PRACTICE COMPLAINT

Copies sent to:

Calvin David Miller  
Debra A. Kagawa, Deputy Corporation Counsel  
Joyce Najita, IRC