

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CU-01-114
)	
MICHAEL L. LAST,)	ORDER NO. 1259
)	
Complainant,)	ORDER GRANTING RESPONDENT'S
)	MOTION FOR PARTICULARIZATION
and)	OF THE COMPLAINT
)	
UNITED PUBLIC WORKERS, AFSCME,)	
LOCAL 646, AFL-CIO,)	
)	
Respondent.)	
<hr/>		

ORDER GRANTING RESPONDENT'S MOTION
FOR PARTICULARIZATION OF THE COMPLAINT

On November 8, 1995, Respondent UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW), by and through its attorney, filed a motion for particularization with the Hawaii Labor Relations Board (Board). The UPW contends that the allegations of the complaint filed in this matter by MICHAEL L. LAST (LAST) are so vague and indefinite that Respondent cannot reasonably be required to frame an answer thereto. The UPW contends that the Complaint fails to specify what provisions of Chapter 89, HRS, and what provisions of the collective bargaining agreement were violated.

After reviewing the Complaint filed in this matter, the Board agrees with Respondent that the Complaint does not specifically set forth sufficient factual allegations to which Respondent can be required to frame an answer. Thus, the Board hereby grants Respondent's Motion for Particularization of the Complaint.

Complainant shall file a Particularization of the Prohibited Practice Complaint which sets forth in separate paragraphs the specific provisions of Chapter 89, HRS, and of the collective bargaining agreement which the Complainant alleges were violated by Respondent.

The Board hereby directs the Complainant to file with this Board the original and five (5) copies of the requested particularization, with proof of service upon Respondent's counsel, 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 Particularization in a timely manner, the Board may dismiss the subject Prohibited Practice Complaint.

Respondent is directed to file with the Board the original and five (5) copies of the Answer, 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 Respondent to file an answer in a timely manner may constitute an admission of the material facts alleged in the complaint and a waiver of a hearing.

DATED: Honolulu, Hawaii, November 14, 1995.

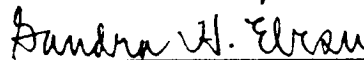
HAWAII LABOR RELATIONS BOARD



BERT M. TOMASU, Chairperson



RUSSELL T. HIGA, Board Member



SANDRA H. EBESU, Board Member

MICHAEL L. LAST v. UNITED PUBLIC WORKERS, AFSCME, LOCAL 646,
AFL-CIO; CASE NO. CU-01-114
ORDER NO. 1259
ORDER GRANTING RESPONDENT'S MOTION FOR PARTICULARIZATION OF THE
COMPLAINT

Copies sent to:

Michael L. Last
Herbert R. Takahashi, Esq.
Joyce Najita, IRC