

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CE-01-280
MICHAEL L. LAST,)	ORDER NO. 1261
Complainant,)	ORDER GRANTING RESPON-
and)	DENT'S MOTION FOR PARTICULAR-
DEPARTMENT OF PUBLIC WORKS,)	IZATION OF THE COMPLAINT
County of Hawaii,)	
Respondent.)	

ORDER GRANTING RESPONDENT'S MOTION
FOR PARTICULARIZATION OF THE COMPLAINT

On November 14, 1995, Respondent DEPARTMENT OF PUBLIC WORKS, County of Hawaii (County), by and through its attorney, filed a Motion for Particularization with the Hawaii Labor Relations Board (Board). Respondent alleges that the instant complaint fails to provide specific facts supporting Complainant MICHAEL L. LAST's alleged violations of §§ 1.07 and 1.08 of the collective bargaining agreement and § 89-13(a)(8), Hawaii Revised Statutes (HRS). In addition, Respondent contends that the complaint fails to provide specific facts supporting alleged violations of Section 7(b) of the Privacy Act of 1974 as it relates to the use of Social Security numbers. Respondent contends that the complaint is vague and moves this Board for an order requiring Complainant to particularize the Complaint, to include at minimum, the names, dates, times and places involved in the alleged improper acts.

After reviewing the complaint, the Board agrees with Respondent that the Complaint fails to set forth 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.

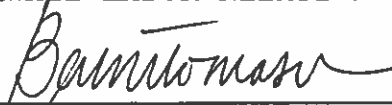
Complainant shall file a Particularization of the Prohibited Practice Complaint which sets forth in separate paragraphs factual allegations specifying the dates, names, and actions involved which are being contested by Complainant as being improper.

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.

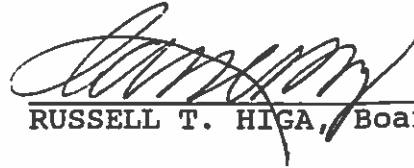
DATED: Honolulu, Hawaii, November 15, 1995.

HAWAII LABOR RELATIONS BOARD




BERT M. TOMASU, Chairperson

MICHAEL L. LAST v. DEPARTMENT OF PUBLIC WORKS, County of Hawaii;
CASE NO. CE-01-280
ORDER NO. 1261
ORDER GRANTING RESPONDENT'S MOTION FOR PARTICULARIZATION OF THE
COMPLAINT



RUSSELL T. HIGA, Board Member



SANDRA H. EBESU, Board Member

Copies sent to:

Michael L. Last
Ivan M. Torigoe, Deputy Corporation Counsel
Joyce Najita, IRC