

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CE-09-361
)	
HAWAII GOVERNMENT EMPLOYEES)	ORDER NO. 1519
ASSOCIATION, AFSCME, LOCAL 152,)	
AFL-CIO,)	ORDER GRANTING, IN PART,
)	AND DENYING, IN PART,
Complainant,)	RESPONDENT'S MOTION FOR
)	PARTICULARIZATION
and)	
)	
DEPARTMENT OF HUMAN RESOURCES)	
DEVELOPMENT, State of Hawaii,)	
)	
Respondent.)	
)	

ORDER GRANTING, IN PART, AND DENYING,
IN PART, RESPONDENT'S MOTION FOR PARTICULARIZATION

On August 28, 1997, Respondent DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT, State of Hawaii (DHRD), by and through its attorneys, filed a motion for particularization with the Hawaii Labor Relations Board (Board). In its memorandum submitted in support of the motion, DHRD contends that the complaint filed in this case is so vague and indefinite that it cannot reasonably be required to frame an answer to it. Specifically, Respondent requests identification of the terms or provisions of the collective bargaining agreement which Complainant alleges was violated. Additionally, Respondent contends that Complainant failed to specify the particular facts supporting each violation of § 89-13(a), Hawaii Revised Statutes (HRS). Thus, Respondent requests that Complainant specify the particular facts which show a prima facie violation of §§ 89-13(a)(5) and (8), HRS.

After reviewing the instant complaint, the Board finds that the complaint is reasonably clear that Complainant alleges

that the Respondent wrongfully refused Complainant's request to disclose reports generated by the Attorney General's Office and that such refusal violates the applicable collective bargaining agreement and the duty to bargain in good faith. However, the Board believes that Complainant should specifically cite the contract provision which was allegedly violated. Thus, Respondent's motion is granted in part, and denied, in part.

The Board hereby directs the above-named Complainant to file with this Board the original and five (5) copies of the requested particularization, with proof of service upon the Respondent, no later than 4:30 p.m. of the fifth working day after service of this order. The Particularization shall specify the provision of the collective bargaining agreement which was allegedly violated.

If Complainant fails to file and serve the Particularization in a timely manner, the Board shall dismiss the instant 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 its answer in a timely manner shall constitute an admission of the material facts alleged in the Complaint and Particularization and a waiver of a hearing.

DATED: Honolulu, Hawaii, September 11, 1997 .

HAWAII LABOR RELATIONS BOARD



BERT M. TOMASU, Chairperson

HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152,
AFL-CIO and DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT, State of
Hawaii; CASE NO. CE-09-361
ORDER NO. 1519
ORDER GRANTING, IN PART, AND DENYING, IN PART, RESPONDENT'S MOTION
FOR PARTICULARIZATION



RUSSELL T. HIGA, Board Member



CHESTER C. KUNITAKE, Board Member

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