

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NOS.:	CE-01-374a
)		CE-10-374b
UNITED PUBLIC WORKERS, AFSCME,)		
LOCAL 646, AFL-CIO,)	ORDER NO.	1565
)		
Complainant,)	ORDER GRANTING, IN PART,	
)	AND DENYING, IN PART,	
and)	RESPONDENTS' MOTION FOR	
)	PARTICULARIZATION	
JAMES TAKUSHI, Director,)		
Department of Human Resources)		
Development, State of Hawaii;)		
ANN MORIMOTO, Department of)		
Human Resources Development,)		
State of Hawaii and SOLETTE)		
PERRY, Department of Human)		
Resources Development, State of)		
Hawaii,)		
)		
Respondents.)		

ORDER GRANTING, IN PART, AND DENYING,
IN PART, RESPONDENTS' MOTION FOR PARTICULARIZATION

On November 28, 1997, Respondents JAMES TAKUSHI, Director, Department of Human Resources Development, State of Hawaii; ANN MORIMOTO, Department of Human Resources Development, State of Hawaii; and SOLETTE PERRY, Department of Human Resources Development, State of Hawaii (collectively DHRD), by and through their counsel, filed a motion for particularization with the Hawaii Labor Relations Board (Board). Respondents request clarification of the complaint filed by the UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) where the UPW alleged that Respondents violated §§ 89-13(a)(1), (2), and (7), Hawaii Revised Statutes (HRS), by rendering aid and support to Frank Hirazumi; by taking actions for the purpose and object of ousting Gary Rodrigues as

State Director of the UPW; and taking actions which interfere, restrain, and coerce employees covered by Chapter 89 in the exercise of their rights. Respondents contend that the UPW fails to identify the specific actions each respondent took which support the violations of the respective statutes and further fails to identify how the specific actions establish violations of the statutes. Respondents allege that they cannot reasonably be required to frame an answer to the complaint and request that the Board grant their motion for particularization.

On December 1, 1997, Complainant UPW filed a memorandum in opposition to Respondents' motion for particularization with the Board. The UPW contends that any reasonable person would know that the instant dispute pertains to the improper involvement of Respondents with the internal affairs of the UPW. The UPW contends that Respondents unlawfully supported the candidacy of Frank Hirazumi and opposed the candidacy of Gary Rodrigues. The UPW further argues that the Respondents are aware of the nature and extent of their involvement in the union campaign and no particularization is needed.

After reviewing the complaint filed in this case, the Board finds that the UPW did not specify the actions each Respondent took which constitute the rendering of aid and support to Frank Hirazumi, a candidate for the office of UPW State Director. Thus, the Board finds that the complaint is vague as to the specific actions of Respondents which are being challenged. However, the Board does not agree with the remaining points raised


in Respondents' motion. Therefore, the Board grants Respondents' motion, in part, and denies the motion, in part.

The Board hereby directs the UPW to file with the Board 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. The Particularization shall identify the actions each Respondent took which constitute the prohibited practices as contended by Complainant. If Complainant fails to file and serve the Particularization in a timely manner, the Board may dismiss the instant complaint.

Respondents are directed to file with the Board the original and five copies of their 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 Respondents to file their 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 10, 1997.

HAWAII LABOR RELATIONS BOARD


BERT M. TOMASU, Chairperson


RUSSELL T. HIGA, Board Member

UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO and JAMES
TAKUSHI, Director, Department of Human Resources Development,
State of Hawaii; et al.; CASE NOS.: CE-01-374a, CE-10-374b
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FOR PARTICULARIZATION



CHESTER C. KUNITAKE, Board Member

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