

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. CE-13-386
	)	
HAWAII GOVERNMENT EMPLOYEES	)	ORDER NO. 1618
ASSOCIATION, AFSCME, LOCAL 152,	)	
AFL-CIO,	)	ORDER DENYING RESPONDENTS'
	)	MOTION FOR PARTICULARIZA-
Complainant,	)	TION OF PROHIBITED PRAC-
	)	TICE COMPLAINT
and	)	
	)	
SIM GRANOFF, Ph.D., Mental	)	
Health Supervisor, Department of	)	
Public Safety, State of Hawaii	)	
and DEPARTMENT OF PUBLIC SAFETY,	)	
State of Hawaii,	)	
	)	
Respondents.	)	

ORDER DENYING RESPONDENTS' MOTION FOR PARTICULARIZATION OF PROHIBITED PRACTICE COMPLAINT

On April 14, 1998, Respondents, by and through their attorneys, filed a motion for particularization of the complaint with the Hawaii Labor Relations Board (Board). Respondents contend that Complainant failed to identify the particular statements which SIM GRANOFF, Ph.D. (GRANOFF), made or the actions which GRANOFF took which evidences that he was acting as a public employer or its designated representative. In addition, Respondents contend that Complainant failed to identify how GRANOFF's statements or actions interfered with, restrained or coerced HGEA members. Respondents thus request particularization of the instant complaint.

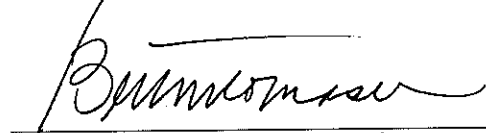
On April 16, 1998, Complainant, by and through its counsel, filed a First Amended Prohibited Practice Complaint with the Board. In addition, on April 17, 1998, Complainant filed a

memorandum in opposition to Respondents' motion for particularization with the Board.

After reviewing the First Amended Prohibited Practice Complaint, the Board believes that the charge is reasonably clear so that the Respondents can fashion an answer thereto. Thus, the Board denies Respondents' motion for particularization. The Board also makes no specific findings with regard to Respondents' answer filed on March 30, 1998.<sup>1</sup> Respondents shall file an answer to the First Amended Prohibited Practice Complaint with the Board within five working days of the service of this order.

DATED: Honolulu, Hawaii, May 6, 1998.

HAWAII LABOR RELATIONS BOARD



BERT M. TOMASU, Chairperson

---

<sup>1</sup>Complainant contends that Respondents are barred from taking any action in this litigation that is contrary to their admissions in the answer filed with the Board on March 30, 1998. In reviewing Respondents' answer, the Board notes that with response to the allegations contained in paragraph 2 of the Complaint, Respondents admitted that GRANOFF was named as the acting clinical supervisor for the mental health staff for the Department of Public Safety, Health Care Division on November 20, 1997. Respondents also denied that the Governor of the State of Hawaii is an employee within the meaning of Chapter 89, HRS. Moreover, Respondents generally denied any allegations not specifically admitted to in the Answer. Thus, contrary to Complainant's contentions, Respondents did not specifically admit to all of the allegations of paragraph 2 of the Complaint, i.e., that GRANOFF is a representative of the management of Respondent DEPARTMENT OF PUBLIC SAFETY and a supervisor of BU-13 employee/member Ms. Danielle Luat and that Respondent DEPARTMENT OF PUBLIC SAFETY is a representative of the Governor of the State of Hawaii.

HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152,  
AFL-CIO and SIM GRANOFF, Ph.D., Mental Health Supervisor,  
Department of Public Safety, State of Hawaii and DEPARTMENT  
OF PUBLIC SAFETY, State of Hawaii; CASE NO. CE-13-386

ORDER NO. 1618

ORDER DENYING RESPONDENTS' MOTION FOR PARTICULARIZATION OF PRO-  
HIBITED PRACTICE COMPLAINT

  
\_\_\_\_\_  
CHESTER C. KUNITAKE, Board Member

Copies sent to:

Charles K.Y. Khim, Esq.  
James E. Halvorson, Deputy Attorney General  
Joyce Najita, IRC