

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CE-13-392
)	
KEITH J. KOHL,)	ORDER NO. 1625
)	
Complainant,)	ORDER GRANTING RESPON-
)	DENTS' MOTION FOR PARTICU-
and)	LARIZATION
)	
JAMES TAKUSHI, Director, Depart-)	
ment of Human Resources Develop-)	
ment, State of Hawaii and KEITH)	
KANESHIRO, Director, Department)	
of Public Safety, State of)	
Hawaii,)	
)	
Respondents.)	

ORDER GRANTING RESPONDENTS' MOTION FOR PARTICULARIZATION

On May 4, 1998, the above-named Respondents, by and through their counsel, filed a motion for particularization with the Hawaii Labor Relations Board (Board). Respondents contend that the Complaint is vague and ambiguous and that they cannot be reasonably required to frame an answer thereto. Respondents claim that Complainant only alleges as follows:

The Respondent(s) as listed in item 3. above, and their Agents or Representatives, violated HRS §89-13(a)(1), (2), (3), (4), (5), (6), (7) and (8) with respect to a grievance filed by HGEA, and last responded to the HGEA Union by Employer on Feb. 13, 1998.

Respondents contend that the Complainant failed to identify the particular provisions of the collective bargaining agreement which Complainant alleges was violated by Respondents. At a minimum, Respondents request that Complainant should specify the subject matter and issues of the grievance referred to in the

Complaint. In addition, Respondents contend that Complainant failed to specify the particular facts supporting a violation of each subsection of § 89-13(a), Hawaii Revised Statutes (HRS).

Upon reviewing the instant Complaint, the Board agrees with Respondents that the Complaint is vague. Complainant is directed to file a Particularization with the Board identifying the subject matter of the grievance and issues raised. In addition, since Complainant generally alleges that Respondents have violated all of the subsections of § 89-13(a), HRS, Complainant is directed to specify the facts which support his claims of the violations of each section and with regard to the violation of § 89-13(a)(8), HRS, Complainant is directed to specify the sections of the contract which Complainant alleges Respondents violated.

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 Respondents, no later than 4:30 p.m. of the fifth working day after service of this order. The Particularization shall specify the information which was requested by Complainant and which was refused.

If Complainant fails to file and serve the Particularization in a timely manner, the Board shall dismiss the subject Prohibited Practice Complaint.

Respondents are directed to file with this 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 Respondents to file his Answer in a timely manner shall constitute

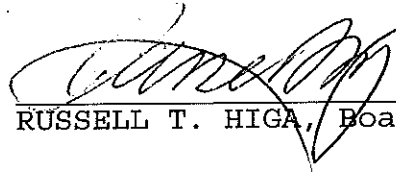
an admission of the material facts alleged in the Complaint and Particularization and waiver of a hearing.

DATED: Honolulu, Hawaii, May 15, 1998.

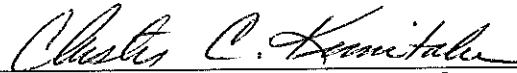
HAWAII LABOR RELATIONS BOARD



BERT M. TOMASU, Chairperson



RUSSELL T. HIGA, Board Member



CHESTER C. KUNITAKE, Board Member

Copies sent to:

Keith J. Kohl
Kris N. Nakagawa, Deputy Attorney General
Joyce Najita, IRC