

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. CE-01-397
	)	
UNITED PUBLIC WORKERS, AFSCME,	)	ORDER NO. 1639
LOCAL 646, AFL-CIO,	)	
	)	ORDER DENYING RESPONDENTS'
Complainant,	)	MOTION FOR PARTICULARIZA-
	)	TION OF COMPLAINT
and	)	
	)	
JEREMY HARRIS, Mayor, City and	)	
County of Honolulu; SANDRA H.	)	
EBESU, Director, Department of	)	
Personnel, City and County of	)	
Honolulu and ROBIN CHUN-	)	
CARMICHAEL, Division Chief,	)	
Labor Relations and Training,	)	
Department of Personnel, City	)	
and County of Honolulu,	)	
	)	
Respondents.	)	

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ORDER DENYING RESPONDENTS' MOTION  
FOR PARTICULARIZATION OF COMPLAINT

On June 9, 1998, Respondents, by and through their counsel, filed a motion for particularization with the Hawaii Labor Relations Board (Board). Respondents contend that the complaint is not sufficiently specific and requires particularization of certain allegations in order to frame a meaningful response. Respondents specifically request information regarding the alleged agreement between the Complainant and the Respondents, including, inter alia, the date and terms of the agreement. Respondents also request the names and dates of each bargaining unit 01 employee alleged to have been placed on leave without pay, disciplined, or who have had their pay and benefits affected for positive drug and or alcohol test results. Respondents further request information

regarding the instances of noncompliance with the Stipulations and Order filed on April 10, 1997.

Thereafter, on June 12, 1998, Complainant filed a response to Respondents' motion for particularization with the Board. Complainant contends that its allegations refer verbatim to paragraphs of the Stipulations and Order, dated April 10, 1997, filed in Case No. CE-01-340, United Public Workers, AFSCME, Local 646, AFL-CIO and Jeremy Harris, et al. Complainant further contends that no written agreement has been executed by the parties and Respondents have failed to comply with the provisions of the Stipulations and Order and thus should be familiar with the affected employees. Complainant also alleges that a listing of affected employees was provided to counsel for Respondents, by letter from the Director of Personnel dated June 4, 1998.

After reviewing the record and the submissions of counsel, the Board finds that the complaint is reasonably clear that Complainant alleges the violation of the Stipulations and Order entered into between the parties on April 10, 1997 in Case No. CE-01-340. Also, as clarified by Complainant, there is no further written agreement which was entered into between the parties. Further, Respondents should be aware of the disciplinary and otherwise adverse actions taken against its employees pursuant to the positive drug and alcohol tests. Accordingly, the Board hereby denies Respondents' motion for particularization of the complaint.

Respondents are directed to file with the Board the original and five (5) copies of their Answer, with proof of service upon Complainant, no later than 4:30 p.m. of the fifth working day

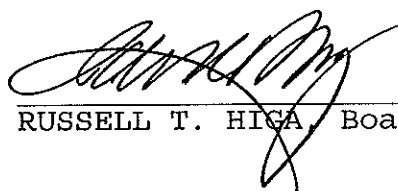
after service of this order. Failure by Respondents to file their Answer in a timely manner may constitute an admission of the material facts alleged in the Complaint and a waiver of a hearing.

DATED: Honolulu, Hawaii, June 18, 1998.

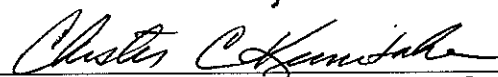
HAWAII LABOR RELATIONS BOARD



BERT M. TOMASU, Chairperson



RUSSELL T. HIGA, Board Member



CHESTER C. KUNITAKE, Board Member

Copies sent to:

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