## STATE OF HAWAII

## HAWAII LABOR RELATIONS BOARD

In the Matter of

LINDA LINGLE, Mayor, County of Maui,

Complainant,

and

GARY RODRIGUES, State Director, United Public Workers, AFSCME, LOCAL 646, AFL-CIO,

Respondent.

CASE NO. CU-01-145

ORDER NO. 1641

ORDER GRANTING RESPON-DENT'S MOTION FOR PARTICU-LARIZATION OF COMPLAINT FILED ON 6/17/98, IN PART, AND DENYING MOTION, IN PART

ORDER GRANTING RESPONDENT'S MOTION
FOR PARTICULARIZATION OF COMPLAINT FILED
ON 6/17/98, IN PART, AND DENYING MOTION, IN PART

On June 19, 1998, Respondent GARY RODRIGUES, by and through his attorney, filed a motion for particularization of the complaint filed by Complainant LINDA LINGLE on June 17, 1998 with the Hawaii Labor Relations Board (Board). Respondent's counsel states in an affidavit attached to the motion that the allegations in the complaint are so vague and indefinite that Respondent is unable to respond thereto. Specifically, Respondent contends that paragraph 7 of the complaint is vague and requests that Complainant specify the names of employees whose rights under Chapter 89, Hawaii Revised Statutes (HRS), were interfered with; the dates, times, and places when Respondent refused to bargain and refused to participate in mediation, fact-finding, and arbitration procedures; and the specific provisions of Chapter 89, HRS, and the collective bargaining agreement which Complainant alleges have been violated.

After reviewing the instant motion and the charges set forth in the complaint, the Board notes that Complainant alleges, inter alia, that on or about May 11, 1998 and thereafter, Respondent distributed letters to Unit 01 members indicating that certain mayors and personnel directors hate members of Units 01 and 10. Complainant therefore charged Respondent with violating every provision of Chapter 89-13(b), HRS. The Board agrees that certain allegations are vague and should be clarified in order to properly notice Respondent as to the charges being made in order to file a meaningful answer. The Board therefore grants Respondent's motion, in part, and directs Complainant to particularize her complaint by specifying the provisions of Chapter 89, HRS, and provisions of the collective bargaining agreement which were allegedly violated.

The Board directs Complainant to file with the Board the original and five (5) copies of the requested particularization, with proof of service upon Respondent, no later than 4:30 p.m. of the fifth working day after service of this order. If Complainant fails to timely file and serve the Particularization, the Board shall dismiss the instant Prohibited Practice 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. The failure of Respondent to timely file its Answer shall constitute an admission of material facts alleged in the Complaint and Particularization and waiver of a hearing.

LINDA LINGLE, Mayor, County of Maui and GARY RODRIGUES, State Director, United Public Workers, AFSCME, Local 646, AFL-CIO; CASE NO. CU-01-145

ORDER GRANTING RESPONDENT'S MOTION FOR PARTICULARIZATION OF COMPLAINT FILED ON 6/17/98, IN PART, AND DENYING MOTION, IN PART

DATED: Honolulu, Hawaii, \_\_\_\_\_ June 29, 1998

HAWAII LABOR RELATIONS BOARD

RUSSELL T. HIGA, Board Member

CHESTER C. KUNITAKE, Board Member

Copies sent to:

Tom Pierce, Deputy Corporation Counsel Herbert R. Takahashi, Esq. Joyce Najita, IRC