

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CU-01-151
)	
RAYMOND KOKUBUN, Director,)	ORDER NO. 1685
Department of Personnel)	
Services, County of Maui,)	ORDER GRANTING, IN PART,
)	AND DENYING, IN PART,
Complainant,)	RESPONDENT'S MOTION FOR
)	PARTICULARIZATION
and)	
)	
GARY RODRIGUES, State Director,)	
United Public Workers, AFSCME,)	
Local 646, AFL-CIO,)	
)	
Respondent.)	

ORDER GRANTING, IN PART, AND DENYING,
IN PART, RESPONDENT'S MOTION FOR PARTICULARIZATION

On November 23, 1998, Respondent, by and through his counsel, filed a motion for particularization with the Hawaii Labor Relations Board (Board). Respondent alleges that the complaint fails to specify when, how, in what manner, and which provision of Chapter 89, Hawaii Revised Statutes (HRS), that Respondent allegedly violated thereby violating § 89-13(b)(4), HRS. In addition, Respondent alleges that the complaint fails to specify when and in what manner § 15.17 of the new Unit 01 agreement was violated. Thus, Respondent contends that the complaint is so vague and indefinite that he is unable to formulate a response thereto.

After reviewing the instant motion and the allegations set forth in the complaint, the Board agrees with Respondent that the complaint fails to specify the provision of Chapter 89, HRS, which was allegedly violated by Respondent. Thus, the complaint is

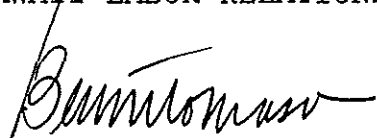
vague in this respect. However, with regard to Complainant's allegation of a violation of § 15.17 of the Unit 01 contract, the Board finds that the complaint is sufficient in alleging that Respondent failed to accept or reject Complainant's suggestion for an arbitrator and also failed to request a list of arbitrators from the Board. Accordingly, the Board grants Respondent's motion, in part, and denies the motion, in part, and directs Complainant to particularize his complaint by specifying the statutory provision which was allegedly violated by Respondent.

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 his 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 his Answer shall constitute an admission of material facts alleged in the Complaint and Particularization and a waiver of a hearing.

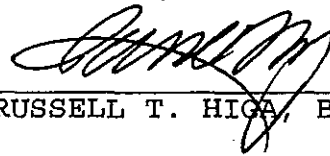
DATED: Honolulu, Hawaii, December 10, 1998.

HAWAII LABOR RELATIONS BOARD



BERT M. TOMASU, Chairperson

RAYMOND KOKUBUN, Director, Department of Personnel Services, County
of Maui and GARY RODRIGUES, et al.; CASE NO. CU-01-151
ORDER NO. 1685
ORDER GRANTING, IN PART, AND DENYING, IN PART, RESPONDENT'S MOTION
FOR PARTICULARIZATION



RUSSELL T. HIGA, Board Member

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