

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CE-03-420
)	
HAWAII GOVERNMENT EMPLOYEES)	ORDER NO. 1690
ASSOCIATION, AFSCME, LOCAL 152,)	
AFL-CIO,)	ORDER GRANTING, IN PART,
)	AND DENYING, IN PART,
Complainant,)	RESPONDENT'S MOTION FOR
)	PARTICULARIZATION
and)	
)	
BENJAMIN J. CAYETANO, Governor,)	
State of Hawaii,)	
)	
Respondent.)	

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

On December 23, 1998, Respondent, by and through his counsel, filed a motion for particularization with the Hawaii Labor Relations Board (Board). Respondent contends that Complainant failed to specify the particular facts supporting allegations of the violations of the §§ 89-13(a)(1), (2), (3), (7), and 89-3, Hawaii Revised Statutes (HRS). Respondent contends that paragraph 8 of the Complaint fails to provide sufficient facts to frame a response. In addition, Respondent contends the Complaint is vague because only BENJAMIN J. CAYETANO is named as a Respondent and the Complaint refers to the actions of Respondents. Thus, Respondent requests that Complainant specify the facts which show a prima facie violation of the cited statutes.

After considering the instant motion and examining the Complaint filed, the Board finds that the Complaint fails to specify what benefits, privileges, and other opportunities were

denied to Shirley Nagasawa (Nagasawa) but granted to other members of her office. In addition, the Complaint fails to identify what office policies and procedures were denied to Nagasawa but were applied to other co-workers. Further, the Complaint fails to specify how the employer encouraged the humiliation of Nagasawa by her fellow employees. While Complainant need not specify the facts supporting each violation of § 89-13, HRS, alleged as requested by Respondent, the Board believes the Complaint is vague in the foregoing respects. The Complainant should specify which benefits, opportunities, or office policies were offered Nagasawa's co-workers but were denied to her and how the Respondent encouraged Nagasawa's harassment by her peers. Thus, the Board grants the Respondent's motion in part, and denies the motion, in part.

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 Respondent, no later than 4:30 p.m. of the fifth working day after service of this order. If Complainant fails to file and serve the Particularization in a timely manner, the Board shall dismiss the subject Prohibited Practice Complaint.

Respondent is 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 Respondent to file his answer in a timely manner may constitute an admission of the material facts alleged in the Complaint and Particularization and a waiver of a hearing.

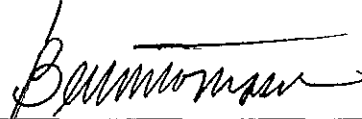
HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152,
AFL-CIO and BENJAMIN J. CAYETANO, Governor, State of Hawaii;
CASE NO. CE-03-420

ORDER NO. 1690

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

DATED: Honolulu, Hawaii, January 14, 1999.

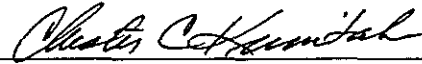
HAWAII LABOR RELATIONS BOARD



BERT M. TOMASU, Chairperson



RUSSELL T. HIGA, Board Member



CHESTER C. KUNITAKE, Board Member

Copies sent to:

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