



to Count 5 which alleges a violation of § 89-13(a)(8), HRS, Respondent HPD's counsel states that Complainant failed to identify which pending grievances involve the contract violations alleged.

After reviewing the Complaint and Respondent HPD's motion, the Board denies Respondent HPD's motion to particularize Count 3. In Count 3, Complainant alleges that the HPD unlawfully discriminated amongst the union stewards with respect to certain meetings. Thus, the Board finds that Count 3 as alleged is not vague and therefore denies Respondent's motion to particularize or alternatively, to dismiss that Count.

With respect to Count 5, the Board agrees with Respondent HPD that the paragraph is vague because the alleged contract violations span what appears to be a number of pending grievances which are not specifically identified. Thus, the Board finds that Count 5 is vague in that the specific grievances are not identified with the contract allegations. The Board presumes that Respondent HPD can identify the grievances if the dates of the grievances are provided. The Board therefore directs Complainant to specify the date of any pending grievances alleged to be covered in Count 5 to properly put the HPD on notice as to which contract violations are alleged.

The Board hereby directs the Complainant to file with this Board the original and five (5) copies of the requested Particularization, with proof of service upon both Respondents, 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.

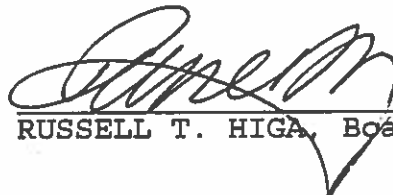
Respondent HPD is directed to file with this Board the original and five (5) of the Answer addressing the Particularization as well as Count 3, with proof of service upon Complainant and Respondent HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO, no later than 4:30 p.m. of the fifth working day after service of Complainant's Particularization. Failure by Respondent HPD to file its 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.

DATED: Honolulu, Hawaii, January 7, 2000.

HAWAII LABOR RELATIONS BOARD



BERT M. TOMASU, Chairperson



RUSSELL T. HIGA, Board Member



CHESTER C. KUNITAKE, Board Member

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