

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of )  
 CITY AND COUNTY OF HONOLULU and )  
 JEREMY HARRIS, Mayor, City and County of )  
 Honolulu, )  
   Complainants, )  
   and )  
 STATE OF HAWAII; BENJAMIN J. )  
 CAYETANO, Governor, State of Hawaii; and )  
 UNITED PUBLIC WORKERS, LOCAL 646, )  
 AFSCME, AFL-CIO, )  
   Respondents. )

CASE NOS.: CE-01-471  
 CE-10-472  
 CU-01-181  
 CU-10-182

ORDER NO. 2012

ORDER DENYING RESPONDENT  
 UPW'S MOTION FOR PARTICULARI-  
 ZATION OF COMPLAINT FILED BY  
 JEREMY HARRIS

ORDER DENYING RESPONDENT UPW'S MOTION  
 FOR PARTICULARIZATION OF COMPLAINT FILED BY JEREMY HARRIS

On May 18, 2001, the CITY and COUNTY OF HONOLULU and JEREMY HARRIS, Mayor, City and County of Honolulu (collectively Complainants), filed the instant prohibited practice complaint against the STATE OF HAWAII; BENJAMIN J. CAYETANO, Governor, State of Hawaii; and the UNITED PUBLIC WORKERS, LOCAL 646 (UPW) (collectively Respondents) with the Hawaii Labor Relations Board (Board).

Thereafter, on May 29, 2001, the UPW filed a Motion for Particularization of the Complaint with the Board. The UPW contends that the complaint is so vague and indefinite that it cannot reasonably be required to frame and answer thereto. The UPW requested the Board to require Complainants to specify certain information to enable the UPW to appropriately respond to the complaint. The UPW requested, inter alia:

1. the specific dates on which the Respondents improperly negotiated over the "excluded" subjects of negotiations;
2. the names of all employees, the "rights" affected, and the specific date, time, place and circumstances under which the UPW allegedly interfered with, restrained or coerced employees in violation of Hawaii Revised Statutes (HRS) § 89-13(b)(1);

3. the date, time, place and circumstance under which the UPW allegedly refused to bargain collectively in good faith with the Complainant or any other public employer in violation of HRS § 89-13(b)(2);
4. the date, time, place and circumstance under which the UPW allegedly refused to participate in good faith in the mediation, fact finding, and arbitration procedure set forth in HRS § 89-11 in violation of HRS § 89-13(b)(3); and
5. the specific, date, time, place, and circumstance under which any party in negotiations referred to deferred compensation to be for the purpose of "retirement or pension benefits."

After reviewing the complaint and the UPW's motion, the Board finds that the complaint is not vague in alleging that the Respondents agreed that the employers would contribute to a new deferred compensation plan for Units 01 and 10 employees and would transfer funds set aside for an adult dental plan into the new plan. Complainants contend that the contributions and transfers are matters relating to retirement benefits which are excluded from negotiations by HRS §§ 89-9(d) and (e). The Board finds that the allegations of the complaint are sufficiently clear and definite and the specificity requested by the UPW is not necessary to respond to the allegations. Accordingly, the Board hereby denies the UPW's motion for particularization of the complaint and extends the due date for the UPW's answer to ten days from the receipt of this order.

Dated: Honolulu, Hawaii, May 30, 2001

HAWAII LABOR RELATIONS BOARD

  
\_\_\_\_\_  
BRIAN K. NAKAMURA, Chair

  
\_\_\_\_\_  
CHESTER C. KUNITAKE, Member

  
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KATHLEEN KACUYA-MARKRICH, Member

CITY AND COUNTY OF HONOLULU, et al. and STATE OF HAWAII; et al.  
CASE NOS.: CE-01-471, CE-10-472, CU-01-181, CU-10-182  
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COMPLAINT FILED BY JEREMY HARRIS

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