

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CU-10-184
)	
DEBORAH TAYLOR; CANDICE SIGRAH;)	ORDER NO. 2025
COLEEN RAFFERTY-STAMPER; MARIE)	
AHUNA; SHELLY FERNANDEZ;)	ORDER GRANTING RESPONDENTS'
DOROTHY GALIA; MELANIE)	MOTIONS FOR PARTICULARIZA-
MANARPAAC; and GAIL TORRES,)	TION
)	
Complainants,)	
)	
and)	
)	
EDDIE ESPIRITU; ALBERT MURASHIGE;)	
and UNITED PUBLIC WORKERS, AFSCME,)	
LOCAL 646, AFL-CIO,)	
)	
Respondents.)	
)	

ORDER GRANTING RESPONDENTS' MOTIONS FOR PARTICULARIZATION

On July 30, 2001, Respondents EDDIE ESPIRITU (ESPIRITU) and UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (collectively UPW), by and through their counsel, filed motion for particularization with the Hawaii Labor Relations Board (Board). The UPW contends that the complaint is vague in that it does not specify how each respondent allegedly violated Hawaii Revised Statutes (HRS) Chapter 89 and which statutory provisions were violated. In addition, the UPW alleges that the complaint fails to indicate who violated the contract provision, i.e., Section 61.04, and in what way. The UPW also contends that the dates contained in the complaint, i.e., July 28, 2001, appear to be wrong. The UPW requests therefore, that Complainants: 1) specify the collective bargaining agreement provisions which are alleged to have been violated either by the employer, UPW or ESPIRITU and the factual basis therefor; and 2) specify what provisions of Chapter 89 which are alleged to have been violated.

Thereafter, on August 1, 2001, Respondent ALBERT MURASHIGE (MURASHIGE), by and through his counsel, filed a motion for particularization with the Board. MURASHIGE contends that the complaint is vague and confusing and that he cannot reasonably be expected to frame an answer thereto. MURASHIGE requests, inter alia, that the Complainants: 1) specify MURASHIGE's actions which allegedly violated the collective bargaining agreement, if any; 2) specify the dates on which MURASHIGE allegedly violated the collective bargaining agreement; 3) specify which collective bargaining agreement

provisions were allegedly violated, if any; 4) clarify the dates in the complaint; 5) clarify the meaning of "Which would be the two female Emergency hires;" and 6) specify the sections of HRS § 89-13 which MURASHIGE allegedly violated with his corresponding actions.

After reviewing the Complaint and considering the arguments raised, the Board agrees that the Complaint is vague and confusing because the complaint does not specifically identify which particular actions each Respondent undertook which allegedly violated the collective bargaining agreement as well as HRS § 89-13. In addition, the dates referred to in the complaint require clarification as to the year of occurrence. The Board therefore directs Complainants to file a particularization with the Board specifying:

- 1) the appropriate dates of the actions by the specific Respondents which allegedly constitute prohibited practices and clarify the dates in the complaint;
- 2) the actions by Respondents which allegedly violate which specific provisions of the collective bargaining agreement, if any;
- 3) the statutory provisions allegedly violated by the Respondents; and
- 4) the meaning of the reference, "Which would be the two female Emergency hires."

The Board hereby directs Complainants to file the original and five copies of the requested Particularization, with proof of service upon Respondents, no later than 4:30 p.m. of the fifth working day after service of this Order. If Complainants fail to file and serve the requested Particularization in a timely manner, the Board shall dismiss the subject Prohibited Practice Complaint.

Respondents are directed to file with this Board the original and five copies of their respective Answers addressing the Particularization, with proof of service upon Complainants no later than 4:30 p.m. of the fifth working day after service of Complainants' Particularization. Failure by Respondents to file their respective Answers 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, August 3, 2001.

HAWAII LABOR RELATIONS BOARD



BRIAN K. NAKAMURA, Chair

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CHESTER C. KUNITAKE, Member

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