

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

ALVIN M. IKEMOTO,

Complainant,

and

UNITED PUBLIC WORKERS, AFSCME,
LOCAL 646, AFL-CIO and GILBERT
NOBREGA, Business Agent, United
Public Workers, AFSCME, Local 646,
AFL-CIO,

Respondents.

CASE NO. CU-10-204

ORDER NO. 2104

ORDER DENYING RESPONDENTS'
MOTION FOR PARTICULARIZATION;
AND NOTICE OF HEARING ON
RESPONDENTS' MOTION TO DISMISS

ORDER DENYING RESPONDENTS' MOTION FOR PARTICULARIZATION;
AND NOTICE OF HEARING ON RESPONDENTS' MOTION TO DISMISS

On July 26, 2002, Respondents UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO and GILBERT NOBREGA, Business Agent, United Public Workers, AFSCME, Local 646, AFL-CIO (NOBREGA) (collectively UPW or Union), by and through their counsel, filed a Motion for Particularization with the Hawaii Labor Relations Board (Board). UPW's counsel states, in an affidavit attached to the motion that the instant complaint is so vague that the Union is unable to frame an answer thereto. UPW's counsel states that Complainant refers to a breach of duty but fails to indicate the subsection of the statute at issue, applicable contractual provisions, and how and in what manner the UPW violated its "duty" to Complainant.

Based upon a review of the record and consideration of the arguments presented, the Board hereby denies the UPW's motion for particularization as the complaint is clear in alleging that pursuant to NOBREGA's letter dated April 25, 2002, the Union denied Complainant representation to grieve the denial of his promotion to an Adult Corrections Officer VI position. Thus, Complainant charges that the Union breached its duty to Complainant and denied him due process in violation of Hawaii Revised Statutes (HRS) § 89-13(b). The Board therefore concludes that the charge is not vague and accordingly, hereby directs the UPW to file its answer to the instant complaint within five days.

NOTICE OF HEARING ON RESPONDENTS' MOTION TO DISMISS

NOTICE IS HEREBY GIVEN that the Board, pursuant to HRS § 89-5(b)(4) and Hawaii Administrative Rules (HAR) § 12-42-8(g)(3)(C), will conduct a hearing on Respondents' Motion to Dismiss filed on August 5, 2002 on August 22, 2002 at 11:00 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii. Complainant's counsel may participate in the hearing by conference call by notifying the Board in writing prior to the scheduled hearing.


The parties shall submit to the Board four copies of all exhibits identified and offered into the record. Additional copies for opposing counsel shall also be provided.

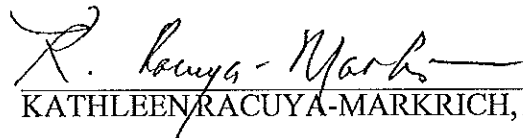
All parties have the right to appear in person and to be represented by counsel or other representative.

Auxiliary aids and services are available upon request, call Mrs. Ebata at (808) 586-8610, (808) 586-8847 (TTY), or 1 (888) 569-6859 (TTY neighbor islands). A request for reasonable accommodations should be made no later than ten working days prior to the needed accommodation.

DATED: Honolulu, Hawaii, August 7, 2002.

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chair


KATHLEEN RACUYA-MARKRICH, Member

Copies sent to:

June C. Ikemoto, Esq.
Herbert R. Takahashi, Esq.
Joyce Najita, IRC