## STATE OF HAWAII

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## HAWAII LABOR RELATIONS BOARD

In the Matter of	) CASE NO. CE-10-514
KEVIN D. FLORES,	) ORDER NO. 2114
Complainant, and	) ORDER GRANTING RESPONDENT UPW'S MOTION FOR PARTICULAR ZATION
DEPARTMENT OF PUBLIC SAFETY, State of Hawaii; COLLEEN MIYASATO, Personnel Management Specialist, Department of Public Safety, State of Hawaii and WALTER HARRINGTON, Assistant Personnel Officer, Department of Public Safety, State of Hawaii, Respondents.	
In the Matter of	) CASE NO. CU-10-207
KEVIN D. FLORES,	)
Complainant,	
and	
UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO and LAURIE SANTIAGO, Business Agent, United Public Workers, AFSCME, Local 646, AFL-CIO,	/ ) ) )
Respondents.	)

## ORDER GRANTING RESPONDENT UPW'S MOTION FOR PARTICULARIZATION

On September 9, 2002, Respondents UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO and LAURIE SANTIAGO, Business Agent, United Public Workers, AFSCME, Local 646, AFL-CIO (collectively UPW), by and through their counsel, filed a Motion for Particularization of the Complaint filed in Case No. CU-10-207. The UPW contends that the complaint is vague and fails to clearly state when, how, and in what manner the UPW allegedly "misrepresented" Complainant. Without such information, the UPW contends that it cannot reasonably be required to frame an answer to the complaint.

After reviewing the complaint and the arguments raised, the Board finds that the complaint is vague in that Complainant fails to specify how he was misrepresented by the union and business agent. The Board therefore directs Complainant to file a particularization with the Board setting forth specific facts as to when, how, and in what manner the UPW is alleged to have misrepresented him or otherwise committed a prohibited practice. Accordingly, the Board grants UPW's motion for particularization.

The Board hereby directs Complainant to file the original and five copies of the requested Particularization, with proof of service upon the 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 requested Particularization in a timely manner, the Board shall dismiss the subject Prohibited Practice Complaint.

Respondent UPW is directed to file with this Board the original and five copies of its Answer addressing the Complaint and Particularization, 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 the UPW 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, \_\_\_\_\_ September 12, 2002

HAWAII LABOR RELATIONS BOARD

BRJAN K. NAKAMURA, Chair

CHESTER C. KUNITAKE, Member

KATHLEEN RACUYA-MARKRICH, Member

Copies sent to:

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