

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)
STEVE ENG,)
)
Complainant,)
)
and)
HAWAII GOVERNMENT EMPLOYEES)
ASSOCIATION, AFSCME, LOCAL 152,)
AFL-CIO,)
)
Respondent.)

CASE NO. CU-03-216
ORDER NO. 2183
ORDER GRANTING, IN PART, STATE
RESPONDENT'S MOTION FOR PART-
ICULARIZATION OF THE COMPLAINT

In the Matter of)
STEVE ENG,)
)
Complainant,)
)
and)
HAWAII STATE PUBLIC LIBRARY)
SYSTEM, State of Hawaii,)
)
Respondent.)

CASE NO. CE-03-525

ORDER GRANTING, IN PART, STATE RESPONDENT'S
MOTION FOR PARTICULARIZATION OF THE COMPLAINT

On March 21, 2003, Respondent HAWAII STATE PUBLIC LIBRARY SYSTEM, State of Hawaii (State Respondent), by and through its counsel, filed a Motion for Particularization of the Complaint with the Hawaii Labor Relations Board (Board). The State Respondent contends that the complaint is vague and confusing as Complainant failed to specify the dates, times, actions and people involved in the alleged violations of Hawaii Revised Statutes (HRS) §§ 89-3, 89-13(a)(1), (2), and (8); and/or the collective bargaining agreement. The State Respondent contends therefore that it cannot reasonably be expected to frame an answer without further particularization.

After reviewing the complaint and the arguments raised, the Board finds that the complaint is vague in that Complainant fails to specify when and how the State Respondent committed the alleged violations. Complainant stated that the "Employer has on

many instances has (sic) placed derogatory statements in Complainant's personnel file...without the Complainant's knowledge and opportunity to comment/respond" and failed to specify when and what statements were placed in the files. Complainant also alleged that the "Employer has violated and interfered with the Complainant's right to have representation during a grievance hearing" without specifying the date and the subject matter of the grievance. Complainant further alleged that he made "several requests for information and documents that the Employer was using against the Complaint (sic) that the Employer had provided to a third party" without specifying when, what documents, and the identify of the third party who was given the information.

The Board therefore grants State Respondent's motion, in part, and directs Complainant to file a particularization of the complaint with the Board setting forth specific facts as to when and detailing in what manner the State Respondent is alleged to have committed the prohibited practices alleged.

Specifically, Complainant shall state:

1. The dates and the identification of or subject matter of the allegedly derogatory statements which the State Respondent allegedly placed in Complainant's personnel file.
2. The dates, identity of persons involved, the subject matter of the grievance and how the State Respondent allegedly violated and interfered with Complainant's right to have representation during a grievance hearing.
3. The dates, the subject matter of the information, and the identity of the third party to whom the State Respondent provided information which was allegedly used against Complainant and when Complainant's requests for the information were made.

The Board hereby directs Complainant to file the original and five copies of the requested Particularization, with proof of service upon all 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.

The State Respondent 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 State Respondent 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.

STEVE ENG v. HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME,
LOCAL 152, AFL-CIO
CASE NO. CU-03-216
STEVE ENG v. HAWAII STATE PUBLIC LIBRARY SYSTEM, State of Hawaii
CASE NO. CE-03-525
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PARTICULARIZATION OF THE COMPLAINT

DATED: Honolulu, Hawaii, March 31, 2003

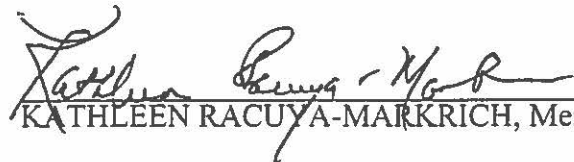
HAWAII LABOR RELATIONS BOARD



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