

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NOS.: CE-01-537a
	)	CE-02-537b
UNITED PUBLIC WORKERS, AFSCME,	)	CE-03-537c
LOCAL 646, AFL-CIO and HAWAII	)	CE-04-537d
GOVERNMENT EMPLOYEES ASSOCIA-	)	CE-06-537e
TION, AFSCME, LOCAL 152, AFL-CIO,)	
	)	ORDER NO. 2205
Complainants,)	
	)	ORDER DENYING RESPONDENTS'
and	)	MOTION FOR PARTICULARIZATION OF
	)	THE COMPLAINT; AND NOTICE OF
KATHLEEN WATANABE, Director, Depart-	)	PREHEARING CONFERENCE AND HEAR-
ment of Human Resources Development, State	)	ING ON PROHIBITED PRACTICE COM-
of Hawaii and LINDA LINGLE, Governor,	)	PLAINT
State of Hawaii,)	
)	
Respondents.)	
)	

ORDER DENYING RESPONDENTS' MOTION FOR
PARTICULARIZATION OF THE COMPLAINT; AND NOTICE OF PREHEARING
CONFERENCE AND HEARING ON PROHIBITED PRACTICE COMPLAINT

On July 14, 2003, Respondents, by and through their counsel, filed a Motion for Particularization of the Complaint with the Hawaii Labor Relations Board (Board). Respondents contend that the complaint filed in this matter on July 3, 2003 is so vague or ambiguous and confusing that Respondents cannot reasonably be required to frame an answer thereto. Respondents requested that Complainants supply: the identity of "DOE employees assigned to public charter schools" to which Complainants refer in their complaint; the alleged conduct by Respondents that contravenes Hawaii Revised Statutes (HRS) §§ 89-1, 89-2, 89-3, 89-6, and 89-9; any alleged conflicting rules adopted by Respondents which contravene HRS § 89-10; any alleged conflicting statutes, executive orders, legislation or rules that contravene HRS § 89-19; the specific section of the respective collective bargaining agreements allegedly violated by Respondents, the identity of the persons involved, and a description of Respondents' actions that violated the Agreements; and whether Complainants seek to subject parties not named as Respondents to be subject to its request for declaratory relief.

Thereafter on July 16, 2003, Complainants filed an Opposition to Respondents Watanabe and Lingle's Motion for Particularization with attachments which Complainants contend when read together with the complaint reveals that there is nothing vague or indefinite about the allegations of Respondents' conduct which is the subject of the complaint.

Based upon a review of the complaint and consideration of the arguments presented, the Board hereby denies Respondents' motion for particularization as the complaint is clear in alleging that Respondents' unilateral determination that DOE employees assigned to public charter schools covered under Chapter 89 would no longer be part of the merit system effective June 30, 2003 violated various provisions of HRS Chapter 89 and contractual provisions. The Board therefore concludes that the charge is not so vague that an answer cannot be framed and accordingly, hereby directs Respondents to file its answer to the instant complaint within 10 days.

**NOTICE OF PREHEARING CONFERENCE
AND HEARING ON PROHIBITED PRACTICE COMPLAINT**

NOTICE IS HEREBY GIVEN that the Board, pursuant to HRS §§ 89-5(i)(4) and (i)(5) and Hawaii Administrative Rules (HAR) § 12-42-47, will conduct a prehearing conference on the above-entitled prohibited practice complaint on July 31, 2003 at 10:30 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii. The purpose of the prehearing conference is to arrive at a settlement or clarification of issues, to identify and exchange witness and exhibit lists, if any, and to the extent possible, reach an agreement on facts, matters or procedures which will facilitate and expedite the hearing or adjudication of the issues presented. The parties shall file a Prehearing Statement which addresses the foregoing matters with the Board two days prior to the prehearing conference.

NOTICE IS ALSO GIVEN that the Board, pursuant to HRS §§ 89-5(i)(4), 89-5(i)(5), and 89-14, and HAR § 12-42-8(g), will conduct a hearing on the instant complaint on August 12, 2003 at 9:30 a.m. in the Board's hearing room. The purpose of the hearing is to receive evidence and arguments on whether Respondents committed prohibited practices as alleged by the Complainant. The hearing may continue from day to day until completed.

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 Valri Kunimoto 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.


UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO, et al. v. KATHLEEN
WATANABE, et al.
CASE NOS. CE-01-537a, CE-02-537b, CE-03-537c, CE-04-537d, and CE-06-537e
ORDER NO. 2205
ORDER DENYING RESPONDENTS' MOTION FOR PARTICULARIZATION OF THE
COMPLAINT; AND NOTICE OF PREHEARING CONFERENCE AND HEARING ON
PROHIBITED PRACTICE COMPLAINT

DATED: Honolulu, Hawaii, July 18, 2003.

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chair


CHESTER C. KUNITAKE, Member


KATHLEEN RACUYA-MARKRICH, Member

Copies sent to:

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