

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

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| In the Matter of |) | CASE NO. CE-01-615 |
| |) | |
| UNITED PUBLIC WORKERS, AFSCME, |) | ORDER NO. 2367 |
| LOCAL 646, AFL-CIO, |) | |
| |) | ORDER GRANTING, IN PART, |
| Complainant, |) | RESPONDENT'S MOTION FOR |
| |) | PARTICULARIZATION OF COM- |
| and |) | PLAINT, FILED ON MARCH 2, 2006 |
| |) | |
| CITY AND COUNTY OF HONOLULU, |) | |
| |) | |
| Respondent. |) | |
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ORDER GRANTING, IN PART, RESPONDENT'S MOTION FOR
PARTICULARIZATION OF COMPLAINT, FILED ON MARCH 2, 2006

On March 2, 2006, Respondent CITY AND COUNTY OF HONOLULU (CITY), by and through its counsel, filed a Motion for Particularization of the Complaint with the Hawaii Labor Relations Board (Board). The CITY contends that the instant Complaint does not provide sufficient notice to Respondent of the facts necessary to formulate a meaningful answer to the Complaint. The CITY requests that the Complainant particularize its complaint by specifying 1) the factual basis for the allegation that Unit 01 employees Jimmy Quinones (Quinones) and Esua (sic) Lafua (Lafua) are agents of Respondent in committing an alleged violation; 2) the time, place and specific acts, complained of in alleging that the employees conducted surveillance of confidential, internal union activities.

On March 8, 2006, Complainant filed a Memorandum in Opposition to Respondent's Motion for Particularization of Complaint with the Board. Complainant contends that Respondent has sufficient information to determine whether Quinones and Lafua are employed as supervisors and its agents for the purposes of employment relations. Complainant also contends that since Respondent implicitly acknowledges that Mr. Kahue is a shop steward, Respondent has sufficient information to determine what occurred on January 20, 2006 to frame an answer as to the charge of improper surveillance. Thus, Complainant submits that particularization of the complaint is unnecessary.

After reviewing the complaint and the arguments raised in the instant motion and response, the Board finds that the complaint is vague in that it does not provide specific information as to the times, places, and acts constituting the illegal surveillance of union activities. Thus, Respondent cannot be reasonably expected to answer the complaint without

more specific information as to the activities complained of. While Respondent also contends the complaint is vague because it does not provide the factual basis for the allegation that Quinones and Laufua were agents of the Respondent, the Board believes that the Respondent can nevertheless provide an answer to that allegation without further information to be derived at hearing.

The Board therefore grants the CITY's motion, in part, and directs Complainant to file a particularization of the complaint with the Board setting forth specific facts as to the times, places and specific acts which the Complainant contends constitute the improper surveillance of confidential, internal union activities.

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

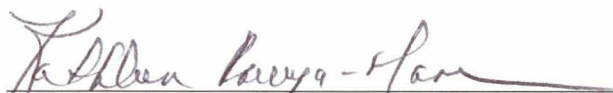
The CITY is directed to file with this Board the original and five copies of its Answer addressing the Complaint and Particularization, with proof of service upon Complainant no later than 4:30 p.m. of the fifth working day after service of Complainant's Particularization. Failure by the CITY to file 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, March 10, 2006.

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chair


EMORY J. SPRINGER, Member


KATHLEEN RACUYA-MARKRICH, Member

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