

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. CU-03-252
	)	
RICHARD CONDON,	)	ORDER NO. 2385
	)	
Complainant,	)	ORDER GRANTING HGEA/AFSCME'S
	)	MOTION FOR PARTICULARIZATION
and	)	OF THE COMPLAINT FILED JULY 26,
	)	2006, FILED ON AUGUST 1, 2006
	)	
BOB DOI, Union Agent, Hawaii Government	)	
Employees Association, AFSCME, Local 152,	)	
AFL-CIO and HAWAII GOVERNMENT	)	
EMPLOYEES ASSOCIATION, AFSCME,	)	
LOCAL 152, AFL-CIO,	)	
	)	
Respondents.	)	
	)	

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ORDER GRANTING, HGEA/AFSCME'S MOTION,  
FOR PARTICULARIZATION OF COMPLAINT  
FILED ON JULY 26, 2006, FILED ON AUGUST 1, 2006

On August 1, 2006, Respondents BOB DOI (DOI) and HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO (HGEA/AFSCME or Union), by and through their counsel, filed a Motion for Particularization of the Complaint Filed on July 26, 2006 with the Hawaii Labor Relations Board (Board). The Union contends that the complaint is not sufficiently specific to inform the Respondents of the specific alleged violations of Hawaii Revised Statutes (HRS) § 89-13(b). The Union requests that the Board order Complainant to submit a more specific statement of the complaint, the alleged violations, the legal principles alleged to have been violated, and facts alleged to constitute the alleged violations.

On August 3, 2006, Complainant RICHARD CONDON (CONDON) filed an opposition to Respondents' motion for particularization with the Board. Complainant states that "HRS § 89-13(b)" was clearly cited in the complaint and "2) A demand letter to take grievance to arbitration is attached to the complaint. ... In simple terms, Why is the Respondents refusing to take grievance to arbitration as Respondents (Bob Doi) promised."

After reviewing the complaint and the motion in this case, the Board agrees with the Union that the complaint as drafted is vague in that it contains statements which do not specifically charge Respondents with a prohibited practice. The complaint contains statements, inter alia, that Complainant sent a demand letter to take the grievance to arbitration; and on 20 July 2006 he provided Mr. DOI and Mr. Chun a letter asking Mr. Nitta of PSD to respond to

his grievance, and Mr. Chun responded that he was not Mr. Doi's supervisor." In the Board's view, these statements are vague as they do not specifically charge the Respondents with a prohibited practice. Thus, the Board finds that the complaint does not provide specific information as to the times, places, and acts constituting a prohibited practice and Respondents cannot be reasonably expected to answer the complaint without more specific information as to the activities complained of. Notwithstanding CONDON's clarifying statement in his memorandum in opposition to the instant motion, "In simple terms, Why is (sic) the Respondents refusing to take grievance to arbitration as Respondents (Bob Doi) promised," the complaint as drafted is insufficient to provide this notice to the Respondents of the alleged violation.

The Board therefore grants the Respondents' motion, 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 violation complained of.

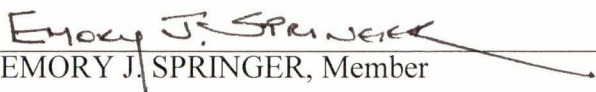
The Board hereby directs Complainant to file the original and five copies of the requested Particularization, with proof of service upon Respondents' counsel, no later than 4:30 p.m. of the fifth working day after service of this Order. If Complainant fails to file and serve the requested Particularization in a timely manner, the Board shall dismiss the subject Prohibited Practice Complaint.

Respondents are directed to file with this Board the original and five copies of their 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 Respondents 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, August 7, 2006.

HAWAII LABOR RELATIONS BOARD

  
BRIAN K. NAKAMURA, Chair

  
EMORY J. SPRINGER, Member

  
SARAH R. HIRAKAMI, Member

RICHARD CONDON v. BOB DOI, et al.  
CASE NO. CU-03-252  
ORDER NO. 2385  
ORDER GRANTING, HGEA/AFSCME'S MOTION FOR PARTICULARIZATION OF  
COMPLAINT FILED ON JULY 26, 2006, FILED ON AUGUST 1, 2006

Copies sent to:

Peter Liholiho Trask, Esq.  
Richard Condon  
Joyce Najita, IRC

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CASE NO. CU-03-252 DECISION NO. \_\_\_\_\_ ORDER NO. 2385 DATE SENT 8/7/06

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\_\_\_\_ Attorney General  
\_\_\_\_ Chief Negotiator  
\_\_\_\_ DHRD

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102595-02-M-1540  
Article Number RICHARD CONDON & BOB DOI ET AL; CU-03-252  
ORDER NO. 2385  
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1. Article Addressed to:  
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