

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of

MICHAEL BOTEILHO,

Complainant,

and

DEPARTMENT OF WATER SUPPLY,  
County of Maui,

Respondent.

CASE NO. CE-01-796

ORDER NO. 2836

ORDER DENYING DEFENDANT  
DEPARTMENT OF WATER SUPPLY,  
COUNTY OF MAUI'S MOTION FOR  
PARTICULARIZATION OF  
PROHIBITED PRACTICES  
COMPLAINT, FILED ON MARCH 15,  
2012; AND NOTICE OF  
PREHEARING/SETTLEMENT  
CONFERENCE AND HEARING ON  
PROHIBITED PRACTICE  
COMPLAINT

ORDER DENYING DEFENDANT DEPARTMENT  
OF WATER SUPPLY, COUNTY OF MAUI'S MOTION FOR  
PARTICULARIZATION OF PROHIBITED PRACTICES COMPLAINT,  
FILED ON MARCH 15, 2012; AND NOTICE OF PREHEARING/SETTLEMENT  
CONFERENCE AND HEARING ON PROHIBITED PRACTICE COMPLAINT

On March 5, 2012, Complainant MICHAEL BOTEILHO (Complainant), *pro se*, filed a Prohibited Practice Complaint (Complaint) with the Hawaii Labor Relations Board (Board) against Respondent DEPARTMENT OF WATER SUPPLY, County of Maui (DWS). Complainant claimed, *inter alia*, that he received notice of the downward reallocation of his position from Pipefitter Helper, BC-05 to Laborer II, BC-03 in a Record of Personnel Action, dated November 30, 2011. Complainant included a reference to "89-13(3)" in his Complaint.

On March 15, 2012, Respondent DWS filed a Motion for Particularization of Prohibited Practices Complaint (Motion for Particularization) and an Answer to the Prohibited Practice Complaint with the Board. Respondent requested the Board to order Complainant to particularize the alleged prohibited practices or otherwise limit the issues so Respondent can fairly answer the Complaint. Although the Board finds the arguments in Respondent's Motion for Particularization to be meritorious, it also finds that the filing of DWS' answer renders the Board's consideration on Respondent's Motion for Particularization moot. The purpose of the motion for particularization is to clarify the

prohibited practice charges in order that the Respondent may answer.<sup>1</sup> The Board therefore denies Respondent's Motion for Particularization.

NOTICE IS HEREBY GIVEN that pursuant to Hawaii Revised Statutes (HRS) § 377-9 and § 89-5(i)(4) and (i)(5) and Hawaii Administrative Rules (HAR) § 12-42-47, the Board will conduct a prehearing/settlement conference, by conference call, in this matter on **April 9, 2012 at 10:30 a.m.** in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii. The Board will call the parties at their respective telephone numbers on file with the Board. The purpose of the prehearing/settlement 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 Board encourages the parties to have a representative with settlement authority and/or is familiar with the dispute appear at the prehearing/settlement conference.** The parties shall file a Prehearing Statement which addresses the foregoing matters with the Board two days prior to the prehearing conference.

NOTICE IS FURTHER 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 **April 26, 2012 at 9:00 a.m.** in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii. The purpose of the hearing is to receive evidence and arguments on whether Respondent committed prohibited practices as alleged by Complainant.

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 Mrs. Nora Ebata at (808) 586-8610. A request for reasonable accommodations should be made no later than ten working days prior to the needed accommodation.

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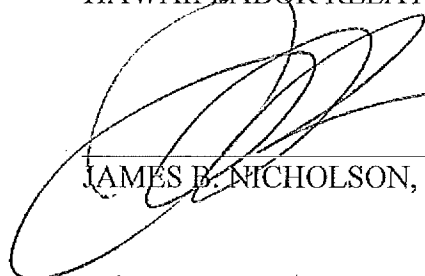
<sup>1</sup>It is the Board's practice to rule on the motion for particularization and if denied, require the Respondent to answer forthwith or if granted, to order the Complainant to particularize within a given time frame and the Respondent to answer.

MICHAEL BOTEILHO v. DEPARTMENT OF WATER SUPPLY, County of Maui  
CASE NO. CE-01-796  
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ORDER DENYING DEFENDANT DEPARTMENT OF WATER SUPPLY, COUNTY OF  
MAUI'S MOTION FOR PARTICULARIZATION OF PROHIBITED PRACTICES  
COMPLAINT, FILED ON MARCH 15, 2012; AND NOTICE OF PREHEARING/  
SETTLEMENT CONFERENCE AND HEARING ON PROHIBITED  
PRACTICE COMPLAINT

DATED: Honolulu, Hawaii, March 23, 2012.

HAWAII LABOR RELATIONS BOARD



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JAMES B. NICHOLSON, Chair



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SESNITA A.D. MOEPONO, Member



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ROCK B. LEY, Member

Copies sent to:

Michael Boteilho  
Thomas Kolbe, Deputy Corporation Counsel

