

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NOS.: CE-03-131
)	CU-03-64
TERRY TOMINAGA,)	
)	ORDER NO. 766
Complainant,)	
)	ORDER DENYING MOTIONS FOR
and)	PARTICULARIZATION
)	
BOARD OF EDUCATION, State of)	
Hawaii and HAWAII GOVERNMENT)	
EMPLOYEES ASSOCIATION, AFSCME)	
LOCAL 152, AFL-CIO,)	
)	
Respondents.)	
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ORDER DENYING MOTIONS FOR PARTICULARIZATION

On January 30, 1990, Respondent HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME LOCAL 152, AFL-CIO (HGEA) filed a Motion for Particularization of Complaint with the Hawaii Labor Relations Board (Board). The motion alleges that the complaint herein merely provides vague allegations and fails to include a complete statement of the facts supporting the complaint, including specific facts as to names, dates, times and places. The certificate of service for the aforementioned motion was filed with the Board on January 31, 1990.

On February 1, 1990, Respondent BOARD OF EDUCATION, State of Hawaii (BOE) filed Respondent Board of Education, State of Hawaii's Motion for Particularization of Complaint with the Board. Said motion states that it is in a quandary as

to what the Complainant means by his allegation that the Respondent violated Section 89-13(a)(8) when he was suspended, as the reasons for his suspension were clearly articulated and communicated to him by a letter dated September 22, 1989. Said motion contends that the allegation against the BOE is so vague and indefinite that Respondent BOE cannot reasonably frame an answer to the allegation.

On February 2, 1990, Respondent HGEA filed an Amended Motion for Particularization of Complaint and Motion for Extension to File Answer. Said amended motion and the attached memorandum in essence expand the argument advanced in its initial motion for particularization. The memorandum states that there were a number of conferences with various parties and that the Complainant should delineate the information requested.

Upon an examination of the complaint in this case, the Board believes that it is essentially in conformance with Administrative Rules Section 12-42-42. The Board believes that the complaint is reasonably clear in stating that the events giving rise to the prohibited practice charge was the Complainant's suspension, allegedly without just cause, and the HGEA's alleged failure to take steps to process Complainant's grievance. The complaint further alleges that the HGEA failed to pursue Complainant's request on October 4, 1989 to investigate Complainant's suspension after an assurance that it would make an investigation and an alleged failure to attempt


to obtain an extension to file a grievance after a request by Complainant lodged on October 20, 1989.

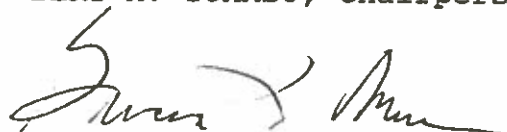
The Board believes that the aforesaid allegations contained in the complaint are sufficient for both Respondents to adequately frame answers to the complaint. Therefore, Respondents' Motions for Particularization are denied. As HGEA filed an answer on February 5, 1990, the instant order is directed towards the BOE only.


The Board directs the BOE to file with this Board the original and five copies of its answer with proof of service upon Complainant no later than 4:30 p.m. of the fifth working day after service of this order. Failure by the BOE to file its answer in a timely manner shall constitute an admission of the material facts alleged in the complaint and a waiver of a hearing.

DATED: Honolulu, Hawaii, February 16, 1990.

HAWAII LABOR RELATIONS BOARD


BERT M. TOMASU, Chairperson


GERALD K. MACHIDA, Board Member


RUSSELL T. HIGA, Board Member

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