

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NOS.:	CE-02-167a
	)		CE-03-167b
HAWAII GOVERNMENT EMPLOYEES	)		CE-04-167c
ASSOCIATION, AFSCME LOCAL 152,	)		CE-08-167d
AFL-CIO,	)		CE-09-167e
	)		CE-13-167f
Complainant,)		
	)	ORDER NO. 889	
and)		
	)	ORDER DENYING MOTION	
BOARD OF REGENTS, University	)	FOR PARTICULARIZATION	
of Hawaii and JOHN D. WAIHEE,)		
III, Governor of the State of)		
Hawaii,)		
)		
Respondents.)		
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ORDER DENYING MOTION FOR PARTICULARIZATION

On July 15, 1992, Respondents BOARD OF REGENTS, University of Hawaii and JOHN D. WAIHEE, III, Governor of the State of Hawaii, filed a Motion for Particularization of Complaint, together with a supporting affidavit, with the Hawaii Labor Relations Board (Board). The motion alleges that the complaint herein merely provides vague and indefinite allegations and fails to specify what procedure and policy the Complainant is complaining about, including specific facts as to the reason why Respondents are under a duty to bargain before implementing said policy or procedure. Further, the Respondents allege that the complaint does not include specific facts as to the name(s) of persons who allegedly directly bargained with employees in the subject bargaining units and the circumstances in which said bargaining occurred.

On July 21, 1992, Complainant HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME LOCAL 152, AFL-CIO, (HGEA), by and through its attorney, Charles K.Y. Khim, Esq., filed a Memorandum in Opposition to Motion for Particularization of Complaint with the Board, together with a supporting affidavit.

Upon an examination of the complaint and said HGEA's Memorandum dated July 21, 1992, the Board believes that it is essentially in conformance with Administrative Rules Section 12-42-42.

The Board further believes that the complaint and HGEA's Memorandum in Opposition to Motion for Particularization of Complaint, together with HGEA attorney's affidavit, which is part of the Board's record, is reasonably clear and sufficient for Respondents to adequately frame an answer to the complaint. Therefore, Respondents' Motion for Particularization of Complaint is denied.

The Board directs the Respondents to file with this Board the original and five (5) 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 Respondents 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.

HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME LOCAL 152, AFL-CIO
v. BOARD OF REGENTS, University of Hawaii and JOHN D. WAIHEE,
III, Governor of the State of Hawaii
CASE NOS.: CE-02-167a, CE-03-167b, CE-04-167c, CE-08-167d,
CE-09-167e, CE-13-167f
ORDER DENYING MOTION FOR PARTICULARIZATION

DATED: Honolulu, Hawaii, July 27, 1992.

HAWAII LABOR RELATIONS BOARD



BERT M. TOMASU, Chairperson



RUSSELL T. HIGA, Board Member

Copies sent to:

Charles K.Y. Khim, Esq.
John D. Waihee, III
Board of Regents, UH
Warren Price, III, Attorney General
Joyce Najita, IRC