

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CE-03-203
)	
HAWAII GOVERNMENT EMPLOYEES)	ORDER NO. 998
ASSOCIATION, AFSCME, LOCAL 152,)	
AFL-CIO,)	ORDER GRANTING, IN PART,
)	RESPONDENT'S MOTION FOR PART-
Complainant,)	ICULARIZATION
)	
and)	
)	
JOHN D. WAIHEE, III, Governor)	
of the State of Hawaii,)	
)	
Respondent.)	

ORDER GRANTING, IN PART,
RESPONDENT'S MOTION FOR PARTICULARIZATION

On November 12, 1993, Respondent JOHN D. WAIHEE, III, Governor of the State of Hawaii, by and through his counsel, filed a motion for particularization with the Hawaii Labor Relations Board (Board). Respondent alleges that portions of the allegations set forth in the complaint are so vague and indefinite that Respondent is unable to determine with any reasonable degree of certainty the facts to support the specific charge of prohibited practice levied by the Complainant. Respondent contends that the complaint fails to provide specific references to names, dates, and events, which give rise to the complaint.

After reviewing the complaint, the Board agrees with Respondent that paragraphs 4, 5, 6, 8, 11, and 12 of the complaint do not contain sufficiently detailed factual allegations with

specific references to the actions of the parties and corresponding dates. Thus, Complainant shall file a particularization of its allegation with the Board, which shall include:

(1) With respect to the allegations set forth in paragraph 4, specify the identity of Deputy Sheriffs involved and the dates, times and manner in which those Deputy Sheriffs have responded to and abated criminal activity and assisted other law enforcement personnel during off duty hours and been subject to personal danger or assaulted with deadly weapons;

(2) With respect to the allegations set forth in paragraph 5, specify the identity of the Deputy Sheriffs who were allegedly threatened and assaulted and the dates, times and manner in which threats were allegedly uttered to the Deputy Sheriffs;

(3) With respect to the allegations set forth in paragraph 6, specify the relevant dates and names of Complainant's and Respondent's representatives involved in bargaining over the issue of job-related safety of the Deputy Sheriffs;

(4) With respect to the allegations set forth in paragraph 8, identify the Respondent's and Complainant's representatives who were involved in the discussions and who agreed that no policy regarding the carrying of firearms by the Deputy Sheriffs during off duty hours would be implemented by the Respondent pending consultation with legal counsel, including relevant dates;

(5) With respect to the allegations set forth in paragraph 11, specify the individuals representing Complainant and

Respondent, who allegedly transmitted and received the subject bargaining proposal, respectively and the date of such transmittal; and

(6) With respect to the allegations set forth in paragraph 12, specify the names of the individuals representing the Complainant and Respondent involved in the discussions and the date of the alleged representations.

The Board hereby directs the Complainant to file with this Board the original and five (5) 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 Particularization in a timely manner, the Board may dismiss the subject Prohibited Practice Complaint.

Respondent is directed to file with the Board the original and five (5) copies of the Answer, 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 Respondent to file answer in a timely manner may constitute an admission of the material facts alleged in the complaint and a waiver of a hearing.

DATED: Honolulu, Hawaii, November 18, 1993.

HAWAII LABOR RELATIONS BOARD

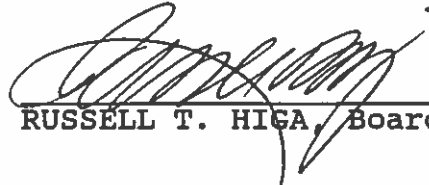


BERT M. TOMASU, Chairperson

HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME LOCAL 152, AFL-CIO
v. JOHN D. WAIHEE, III, Governor of the State of Hawaii; CASE NO.
CE-03-203

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ORDER GRANTING, IN PART, RESPONDENT'S MOTION FOR PARTICULARIZATION



RUSSELL T. HIGA, Board Member



SANDRA H. EBESU, Board Member

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