

STATE OF HAWAII
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of)) UNITED PUBLIC WORKERS, LOCAL) 646, AFSCME, AFL-CIO,)) Petitioner and) Exclusive Represen-) tative, Unit 10,)) and)) HAWAII FIRE FIGHTERS) ASSOCIATION, IAFF, LOCAL) 1463,)) Exclusive Represen-) tative, Unit 11,)) and)) HERBERT T. MATAYOSHI, Mayor) of the County of Hawaii,)) Employer-Intervenor.) _____)	Case Nos. <u>RA-10-30</u> <u>RA-11-30</u> Decision No. <u>118</u>
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FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER

This case was commenced on April 16, 1979, when the United Public Workers (hereafter UPW) filed a Petition for Clarification of Amendment of Appropriate Bargaining Unit. By its petition the UPW, which is the exclusive representative of employees in bargaining unit 10 (nonprofessional hospital and institutional workers), sought to have certain Unit 11 employees (firefighters) of the County of Hawaii who perform paramedic work redesignated as Unit 10 employees.

The Hawaii Fire Fighters Association (hereafter HFFA), which is the exclusive representative of Unit 11, intervened in the case taking the position that the emergency medical work was inappropriate in Unit 11.

The County of Hawaii intervened and opposed the positions of the UPW and the HFFA.

Hearings were held in April and May of 1979 and the final post hearing brief was received on July 23, 1979.

Based upon the entire record herein, the Board makes the following:

FINDINGS OF FACT

The County of Hawaii is the employer of the Unit 11 employees who are the subject of this case.

The HFFA is the exclusive representative of Unit 11 employees (firefighters) throughout the State.

The UPW is the exclusive representative of employees in Unit 10 (non-professional hospital and institutional workers).

The subject employees (sometimes collectively referred to herein as firefighters regardless of job titles) are classified in the various firefighter and related series in the County of Hawaii such as firefighters, fire equipment operators, search and rescue specialists, fire captains and battalion chiefs. No party questions that such classes are properly within Unit 11.

The instant dispute concerns the fact that a large number of the County of Hawaii firefighters have received intensive training to be and perform the duties of emergency medical technicians (EMT's) and mobile intensive care technicians (MICT's). The record was unclear as to whether there presently are EMTP's (emergency medical technician paramedics) actively working in Hawaii County.

There are approximately 140 firefighters in the County of Hawaii fire department. Of this number, approximately 70 to 75 are EMT II's and 15 are MICT's.

A substantial number of the calls the Hawaii County Fire Department responds to involve emergency medical services rather than firefighting. The County of Hawaii maintains four MICT vans at its Kailua-Kona, Waimea, Central and Waikea stations. These vans are also referred to as advanced life support units and they can be operated only by persons who are trained as MICT's or EMTP's. The vans are comparable to ambulances and carry equipment such as I.V. devices, defibrillators, and EKG machines. Additionally, the County maintains within its fire department six basic life support vans which carry somewhat less sophisticated equipment.

Traditionally, all of the Hawaii County firefighters have been trained in first responder first aid and all of them are expected to know how to use a resuscitator. But only persons with EMT training or better can administer intravenous therapy and use equipment such as cardiographs, EKG's, and defibrillators.

In the City and County of Honolulu, public employees who are trained as EMT's, MICT's and EMTP's are employed by the City's Department of Health and are in Unit 10.

No other fire department in the State of Hawaii maintains EMT or MICT vans.

The County of Hawaii firefighter employees who are EMT, MICT, or EMTP trained are functioning in dual roles. In Decision 102, this Board noted that Hawaii County's 15 MICT trained firefighters were working out of class. The Board adopts herein the following findings it made in Decision 102:

The County of Hawaii, since 1975, has involved its Fire Department personnel in an experimental emergency medical service program. To implement this pilot program, the County asked firefighting personnel to volunteer to undergo a special eight-month

training program for certification as mobile intensive care technicians (sometimes referred to as paramedics). Presently, there are 15 firefighters who have been certified and are now performing advanced emergency medical services. These employees are trained to operate out of intensive care ambulances which contain advance life support equipment.

The 15 firefighters come from four different classifications within the Fire Department (battalion chief, captain, fire apparatus operator and firefighter). Class specifications and job descriptions for the four firefighter classes do not provide for the rendering of advanced emergency medical services. Firefighters are only required to perform "first responder" medical services which include basic first aid treatment for shock and to stop bleeding.

The 15 certified paramedics have not been reclassified to reflect their additional training and specialized duties although the program has been in operation since 1975. The County's explanation for its failure to reclassify the paramedic-firefighters is that the program is an experimental, temporary one being conducted without statutory authorization.

Act 148, Session Laws of Hawaii 1978, established a comprehensive statewide emergency medical service system to be implemented by the State's Department of Health, effective July 1, 1979. The County of Hawaii's position is that if its emergency medical program is formalized pursuant to Act 148, and with Health Department support, then a hybrid classification will be established for firefighters performing advanced emergency medical services.

There is no dispute that presently the 15 Hawaii County paramedic-firefighters are performing the paramedic duties and that they are being worked out of class. No other firefighters similarly classified are performing advanced emergency medical services.

In their dual roles as MICT's (or EMT's) and firefighters, the Hawaii County employees still are required to function as firefighters. Firefighters who are trained as MICT's or EMT's are not excused from firefighting duties or from duties related to keeping firefighting equipment in readiness to answer fire alarms. All firefighters, up to

the rank of captain, are required to participate in hose drills. A fire equipment operator who is also an MICT has the same duty toward fire equipment maintenance as a fire equipment operator who is not an MICT.

There is a present classification within the fire department which none of the parties regards as inappropriately in the department--the position of Fire Search and Rescue Squadman. The class specification for firefighter states:

"This class differs from that of Fire Search and Rescue Squadman in that the firefighter is primarily engaged in firefighting activities, which may include life-saving, and may occasionally perform search and rescue work; whereas, the Fire Search and Rescue Squadman performs life-saving, search and rescue work as a primary, regular assignment."

CONCLUSIONS OF LAW

The subject employees are presently classified as firefighters or in related series. Although they are working out of class, this can be remedied if the County of Hawaii will properly classify them. It is envisioned that when this proper classification is done, the firefighters who are MICT's or EMT's or EMTP's will carry a dual or hybrid classification which will have as a component their role as firefighters.

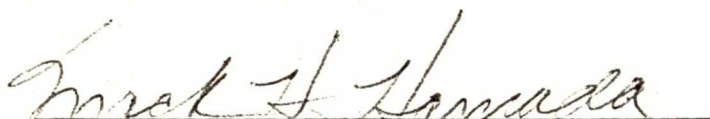
Fire departments have a traditional and accepted life-saving and rescue role and customarily have administered first aid to fire and accident victims. The paramedic service the Hawaii County Fire Department is providing to the public is nothing more than a reasonable and sophisticated extension of the accepted role and mission of a fire department.

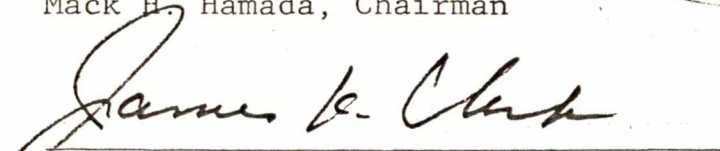
The Board concludes that the MICT's and EMT's and EMTP's (if any) in the Hawaii County Fire Department come within the term "firefighters" as it is used in Subsection 89-6(a)(11), Hawaii Revised Statutes, and hence, they must remain in Unit 11.

ORDER

This case is dismissed.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD


Mack H. Hamada, Chairman


James K. Clark, Board Member


John E. Milligan, Board Member

Dated: October 15, 1979

Honolulu, Hawaii