

STATE OF HAWAII

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of)	CASE NOS.:	S-01-18a
)		S-02-18b
GEORGE R. ARIYOSHI, Governor,)		S-03-18c
State of Hawaii; EILEEN R.)		S-04-18d
ANDERSON, Mayor, City and)		S-09-18e
County of Honolulu; HERBERT T.)		S-13-18f
MATAYOSHI, Mayor, County of)		
Hawaii; HANNIBAL M. TAVARES,)	DECISION NO.	187
Mayor, County of Maui;)		
TONY T. KUNIMURA, Mayor,)		
County of Kauai,)		
)		
Petitioners,)		
)		
and)		
)		
HAWAII GOVERNMENT EMPLOYEES)		
ASSOCIATION, AFSCME LOCAL)		
152, AFL-CIO, and UNITED)		
PUBLIC WORKERS, AFSCME LOCAL)		
646,)		
)		
Exclusive)		
Representatives.)		

ERRATA

The above-referenced decision contains the following errors which should be corrected accordingly. These errors are inadvertent and the corrected entries truly reflect the Board's intent.

COUNTY OF HAWAII

1. OFFICE OF HOUSING AND COMMUNITY DEVELOPMENT (Page 72)

Add:

13 Housing Aide II	1	8 hours/day, 5 days/week
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COUNTY OF KAUAI

2. POLICE DEPARTMENT (Page 73)

Service and Technical Division

Error:

03 Personnel/Senior Account Clerk 1 5 days per month;
regular hours plus
standby

Correction:

03 Personnel/Senior Account Clerk 1 10 days per month, 8
hours per day

3. DEPARTMENT OF PUBLIC WORKS (Page 73)

Administration Division

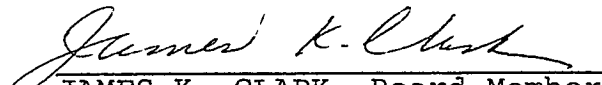
Delete:

03 Accountant II 1 Regular hours

DATED: Honolulu, Hawaii, February 28, 1984.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD


MACK H. HAMADA, Chairperson


JAMES K. CLARK, Board Member


JAMES R. CARRAS, Board Member

GEORGE R. ARIYOSHI, Governor, State of Hawaii; EILEEN R. ANDERSON, Mayor, City and County of Honolulu; HERBERT T. MATAYOSHI, Mayor, County of Hawaii; HANNIBAL M. TAVARES, Mayor, County of Maui; TONY T. KUNIMURA, Mayor, County of Kauai, and HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME LOCAL 152, AFL-CIO, and UNITED PUBLIC WORKERS, AFSCME, LOCAL 646
CASE NOS.: S-01-18a, S-02-18b, S-03-18c, S-04-18d, S-09-18e, S-13-18f

Copies sent to:

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DECISION NO. 187

AMENDED GENERAL ORDERS

The Board further orders the following in the event of a strike by Units 1, 2, 3, 4, 9, and 13 employees:

1. The class or position titles identified in the foregoing portion of the order are designated as essential positions. Any or all incumbents in the essential positions may be designated by the respective Employers as essential employees.
2. The Employer shall designate employees to fill essential positions. Each Employer shall give notice to an essential employee in accordance with Subsection 89-12(c)(2),

HRS. It is the duty and responsibility of the essential employee to contact the Employer for his or her work assignment. This duty continues throughout the duration of any strike.

3. "Standby," as directed by these orders, requires that the Employer compensate all such designated employees at the rate of 25% of the individual employee's current salary. The employee on standby shall respond to requests made by the Employer to work and shall provide the Employer with the necessary telephone numbers and the location where he or she can be contacted should the need arise.

When hours are not specified or when 24-hour standby is coupled with scheduled working hours, "standby" shall mean standby for non-duty hours only.

"On-call," as provided for in these orders, does not require compensation by the Employer nor does it require that the employee respond to any work requests made by the Employer.

4. An essential employee shall report to work as directed by each Employer, unless the absence is excused due to illness or other bona fide reasons. In order to determine the validity of such reasons, the essential employee shall submit a written statement of reasons to the Employer. In the event an absence is based upon a medical disability, a statement from a physician shall be submitted to the Employer. The absence of an essential employee from assigned work without a bona fide reason shall be deemed a violation of these orders and deemed to constitute unlawful participation in a strike under Subsection 89-12(a), HRS.

5. If an essential employees does not report to work as directed and there are additional incumbents to fill an essential position, the Employer may designate another incumbent to perform such work. The Employer may notify such employee by whatever means practicable, including by telephone contact, to ensure the delivery of essential services.

If the Employer is unable to fill the essential position with an incumbent, the Employer may assign other employees within the same job classification who are capable of satisfactorily performing the functions, duties and responsibilities of the essential position, and shall notify the Board accordingly. If the employee is not an incumbent of the position, the employee shall have the right to refuse the temporary assignment to the designated essential position.

6. In the assignment of incumbents or other employees to essential positions, the Employer shall refrain from assigning persons designated as picket line captains, stewards, negotiation team members and Union Board of Directors members unless there are no other employees capable of satisfactorily performing the functions, duties and responsibilities of the essential positions.

Respondents shall furnish the respective Employers with the names of picket line captains, stewards, negotiations team members and Board of Directors members forthwith.

7. The Union shall be responsible for taking all necessary steps to ensure that essential services required by

this order are performed without interruption, slowdown, sick-out or other forms of interference.

8. To minimize confusion in communications between the parties, each Employer and each Union shall designate one overall coordinator to be contacted. In addition, each Employer and each Union shall designate a coordinator for each county. These coordinators shall be responsible for maintaining essential services within their respective jurisdictions and implementing any order issued by the Board at the close of this proceeding or during a strike. Each party shall notify the other and this Board, in writing, of their coordinators with their respective current address and business and residence telephone numbers forthwith.

9. Employer may designate one entrance to every worksite having multiple entrances specifically to permit uninhibited ingress and egress by employees in positions designated as essential by the Board, excluded employees, and private employees only. The Employer shall notify the Union that these designated entrances shall be free of any pickets. Should the Employer fail to monitor the designated entrances and access is permitted to other than essential, excluded, and private employees, the Union shall notify this Board and the Board will determine whether the entrance may be lawfully picketed. Further any monitor representing the Union and present at this entrance shall not impede or harass any essential, excluded or private employees from ingress or egress to the worksite.

Worksites, buildings or facilities which have only one entrance may be picketed, but persons on the picket lines shall permit anyone to cross the picket lines.

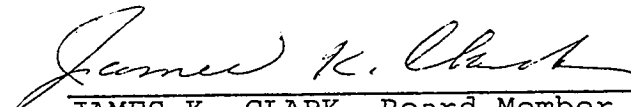
10. To ensure the health or safety of the public, all picket lines of Units 1, 2, 3, 4, 9, and 13 employees shall be supervised by an on-site picket line captain designated by the Union. The Union shall provide the Employer with a list of picket line captains at all picket lines forthwith. The picket line captain and ultimately, the Union, shall share the responsibility to ensure that picketing is conducted in a lawful manner. Pickets must permit ingress and egress to all persons. Responsibility for insuring uninhibited ingress and egress to all worksites rests with the Union.

These orders may be amended by the Board. Any questions of interpretation of these orders shall be brought to the immediate attention of this Board.

DATED: Honolulu, Hawaii, February 21, 1984.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD


MACK H. HAMADA, Chairperson


JAMES K. CLARK, Board Member


JAMES R. CARRAS, Board Member

GEORGE R. ARIYOSHI, Governor, State of Hawaii; EILEEN R. ANDERSON, Mayor, City and County of Honolulu; HERBERT T. MAYATOSHI, Mayor, County of Hawaii; HANNIBAL M. TAVARES, Mayor, County of Maui; TONY T. KUNIMURA, Mayor, County of Kauai and HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME LOCAL 152, AFL-CIO, and UNITED PUBLIC WORKERS, AFSCME, LOCAL 646
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DECISION NO. 187

FINDINGS OF FACT, CONCLUSIONS
 OF LAW AND ORDERS

On January 30, 1984, GEORGE R. ARIYOSHI, Governor of the State of Hawaii; EILEEN R. ANDERSON, Mayor of the City and County of Honolulu; HERBERT T. MATAYOSHI, Mayor of the County of Hawaii; HANNIBAL M. TAVARES, Mayor of the County of Maui; and TONY T. KUNIMURA, Mayor of the County of Kauai [hereinafter referred to as Petitioners or Employers], filed a Petition Relating to Strike Occurring or Strike About to Occur Endangering Public Health or Safety with the Hawaii Public Employment Relations Board [hereinafter referred to as the Board or HPERB].

The Employers petitioned this Board to conduct an investigation pursuant to Section 89-12(c), Hawaii Revised Statutes [hereinafter referred to as HRS], to determine whether a strike by county and State employees working in a spectrum of public assistance programs, and computer systems and programs necessary to ensure the delivery of related money disbursements or coupons, paychecks, benefits and services presents an imminent or present danger to the health or safety of the public and to set requirements to avoid or remove any such danger.

Petitioners allege that a strike by Units 1 (Nonsupervisory employees in blue collar positions), 2 (Supervisory employees in blue collar positions), 3 (Nonsupervisory employees in white collar positions), 4 (Supervisory employees in white collar positions), 9 (Registered professional nurses) and 13 (Professional and scientific employees, other than registered professional nurses) employees subject to the instant petition would present an imminent or present danger to the public's health or safety. It seeks the designation of enough subject employees as essential workers, to ensure program continuity, provision of benefits and services, and paycheck delivery in the event of a strike. Petitioners also urge the Board to adopt specific requirements which it believes must be complied with in order to remove or avoid danger to public health or safety.

An investigation in this matter was conducted by the Board on February 6, 7, 8 and 13, 1984. All parties were represented and participated in the investigation. All parties were

afforded the right to present evidence and cross-examine witnesses. Oral arguments were presented at the investigation. Based upon the entire record developed during the investigation, the Board makes the following findings of fact, conclusions of law and order.

FINDINGS OF FACT

Petitioner GEORGE R. ARIYOSHI, Governor of the State of Hawaii, is the public employer, as defined in Subsection 89-2(9), HRS, of employees of the Department of Budget and Finance [hereinafter referred to as B & F], the Department of Accounting and General Services [hereinafter referred to as DAGS], the Department of Health [hereinafter referred to as DOH], the Department of Social Services and Housing [hereinafter referred to as DSSH], the Department of Labor and Industrial Relations [hereinafter referred to as DLIR], the Department of Defense [hereinafter referred to as DOD], the Department of Land and Natural Resources [hereinafter referred to as DLNR], the Department of Hawaiian Home Lands [hereinafter referred to as DHHL], the Department of Commerce and Consumer Affairs [hereinafter referred to as DCCA], the Department of Planning and Economic Development [hereinafter referred to as DPED], and the Hawaii Public Employees Health Fund which include employees in collective bargaining Units 1, 2, 3, 4, 9 and 13.

Petitioner EILEEN R. ANDERSON, Mayor of the City and County of Honolulu, is the public employer, as defined in Subsection 89-2(9), HRS, of employees of the Department of Housing

and Community Development and the Department of Finance, which include employees in Units 1, 3 and 13.

Petitioner HERBERT T. MATAYOSHI, Mayor of the County of Hawaii, is the public employer, as defined in Subsection 89-2(9), HRS, of employees of the Department of Parks and Recreation, Office of Housing and Community Development, and the Department of Finance which include employees in Units 3 and 13.

Petitioner HANNIBAL M. TAVARES, Mayor of the County of Maui, is the public employer, as defined in Subsection 89-2(9), HRS, of employees of the Department of Human Concerns, who are included in Unit 13.

Petitioner TONY T. KUNIMURA, Mayor of the County of Kauai, is the public employer, as defined in Subsection 89-2(9), HRS, of employees of the Public Housing Agency, the Kauai Police Department, Department of Public Works, and the Office of Elderly Affairs, who are included in Units 3 and 13.

The HAWAII GOVERNMENT EMPLOYEES' ASSOCIATION [hereinafter referred to as HGEA or Union] is the exclusive representative, as defined in Subsection 89-2(12), HRS, of employees included in collective bargaining Units 2, 3, 4, 9 and 13.

The UNITED PUBLIC WORKERS [hereinafter referred to as UPW or Union] is the exclusive representative, as defined in Subsection 89-2(12), HRS, of employees included in collective bargaining Units 1 and 10.

Negotiations for a new contract for Unit 1 employees commenced on September 8, 1982. On April 22, 1983, the UPW filed a Notice of Impasse with this Board. On June 7, 1983, the Board

ruled that an impasse existed in said negotiations and appointed a mediator to assist the parties. Mediation failed to resolve the dispute and a fact-finding panel was appointed by the Board pursuant to Subsection 89-11(b)(2), HRS. The panel's report was issued on July 7, 1983 and its recommendations were rejected by Petitioners and UPW. Neither party wished to submit the issues to final and binding arbitration. The report was made public in accordance with Subsection 89-11(b)(2), HRS. On September 15, 1983, the 60-day "cooling off" period for the Unit 1 impasse lapsed.

Negotiations for a new contract for Units 2, 3, 4 and 13 commenced on September 22, 1982. On April 8, 1983, the HGEA filed a Notice of Impasse with this Board. On May 25, 1983, the Board ruled that an impasse existed in said negotiations and appointed a mediator to assist the parties. Mediation failed to resolve the dispute and a fact-finding panel was appointed by the Board on June 15, 1983 pursuant to Subsection 89-11(b)(2), HRS. The panel's Report and Recommendation was issued on June 27, 1983. Both Petitioners and HGEA rejected the Report and Recommendation. Both parties chose not to refer the issues to final and binding arbitration. Thus, the report was made public in accordance with Subsection 89-11(b)(2), HRS. The 60-day "cooling off" period for the HGEA impasses lapsed on September 4, 1983.

On February 9, 1984, Respondents filed with this Board their notice of intent to strike on or after February 22, 1984. The notices are identical in substance and provide that the

respective unions, pursuant to Section 89-12(b), HRS, affirms that:

1. the requirements of Section 89-11, HRS, relating to the resolution of disputes have been complied with in good faith;
2. there are no proceedings for the prevention of any prohibited practices; and
3. 60 days have elapsed since the fact-finding board made public its findings and recommendations

and therefore gave notice to the Board and the Employers of the intent to strike if a satisfactory agreement is not negotiated before that date.

The notices of Respondents' intent to strike have not been rescinded or revoked.

The Employers presented this Board with a voluminous record to substantiate the allegations set forth in their combined petition in which they asked that a number of Units 1, 2, 3, 4, 9 and 13 employees be required to work during the threatened strike because, it was alleged, if the employees did not perform their usual work, or were not available to work in emergencies, the Units 1, 2, 3, 4, 9 and 13 strikes would present an imminent or present danger to public health or safety.

The case presented by the Employers has convinced this Board that the withholding during a strike of a number of services performed by Units 1, 2, 3, 4, 9 and 13 employees will create an imminent or present danger to the health and safety of the public.

The petition as filed frames its request for essential workers in terms of four general program areas in which the requested employees serve, namely, Public Welfare Programs, Housing Programs, Income Maintenance Programs, and Support Services. The Board's findings as to the functions of the various programs involved and their bearing on public health or safety are broken down to the four program areas.

Specific findings are as follows:

PUBLIC WELFARE PROGRAMS

State of Hawaii

The Public Welfare Division is mandated by Section 346-14, HRS, to:

- (1) Administer, establish programs and standards, and promulgate rules as deemed necessary for all public assistance, including payments for medical care;
 - (2) Establish, extend, and strengthen services for the protection and care of neglected children and children in danger of becoming delinquent;
- * * *
- (6) Cooperate with the federal government in carrying out the purposes of the Social Security Act, and in other matters of mutual concern pertaining to public welfare, public assistance, and child welfare services, including the making of such reports, the adoption of such methods of administration and the making of such rules and regulations as are found by the federal government, or any properly constituted authority thereunder, to be necessary or desirable for the efficient operation of the plans for such public welfare, assistance, and child welfare services, or as may be necessary or desirable for the receipt of financial assistance from the federal government.

Under these statutory mandates, the Division administers among other programs Food Stamps, money payments (financial assistance) and medical care ("Medicaid") programs with federal and/or State funding. On a monthly average, approximately 39,000 families are assisted under the Food Stamp program, 24,000 in money payments and 84,000 individuals are eligible for medical assistance. The assistance provided under these programs are to meet the basic necessities of life, i.e., food, shelter, clothing and medical care and thus obviously impacts upon the public health or safety. In addition, the Division provides an array of social services such as child care and chore services for the disabled, necessary to assist individuals to function and live within the community. Under the social services program, the Division also investigates and intercedes immediately in protecting children who have been physically or sexually abused, or who are neglected. Children who are in imminent harm of being abused or neglected must also be protected. Recent concern for the disabled elderly has also made it necessary for the Division to institute programs to intercede immediately in situations of elderly abuse and neglect. These social services are also obviously connected to public health or safety. Approximately 3,000 reports of abuse and neglect cases for children and elderly are received annually.

The Division operates four Public Welfare Division branches, i.e., Oahu, Hawaii, Maui and Kauai branches, with offices on the islands of Oahu, Hawaii, Maui, Molokai, Lanai and Kauai.

There are 38 unit offices on Oahu. While most of the offices are located in downtown Honolulu, it is necessary to have offices located in outlying areas such as Pearl City, Wahiawa, Waipahu, Nanakuli, Waianae and Kaneohe. Transportation to a central location poses a real problem for the many poor families and the disabled.

On the Island of Hawaii, the major financial and social service offices are located in Hilo. However, in view of the great geographic distances between outlying towns and the lack of public transportation, sub-units are necessary in Naalehu/Kau, Honokaa, Waimea, Kohala and Kona.

On Maui, offices are located in different locations in Wailuku. Sub-units are located in Molokai and Lanai. It would be impractical to service Molokai and Lanai on a daily basis from Maui.

Kauai has four offices located in Lihue, Kapaa and Hanapepe. Kauai does not have public transportation. Thus, it is important that offices be located where recipients are able to reach the agency with reasonable effort.

The following is a brief overview of the programs and services provided by the Division:

Food Stamps

The purpose of the Food Stamps program is to raise the food purchasing power among low income households. The process of determining the need for and level of assistance accorded these households involves certification procedures by the DSSH.

Money Payments (Financial Assistance)

Financial assistance is provided to individuals whose income and resources are below the established standards of assistance and who satisfy certain other requirements. There are various standards of assistance depending primarily upon the size of an individual's family and shelter expenses. In general, however, it is equal to the sum of the legislatively established monthly standard of allowance for family size, rental, work expense allowance, and the actual cost of shelter, up to the maximum monthly shelter allowance for one's particular family size, Section 346-53, HRS.

There are three categories of financial assistance: The Aid to Families with Dependent Children (AFDC), State Aid to the Aged, Blind and Disabled (SSI), and General Assistance (GA). All three categories have other specific eligibility requirements.

Medical Assistance

Medical assistance is payment for medical care such as psychiatric care, dental care, maternity care, physician services, hospital care, skilled nursing, intermediate care, materials, supplies, drugs and all other appliances used in the care, treatment and rehabilitation of patients meeting the medical assistance eligibility requirements. Medical assistance also includes payment for the burial of indigents; meeting transportation costs for medical care, e.g., Handivan or taxi services, emergency ambulance services (air ambulance included).

Social services include crises intervention, counseling, case management, and support activities such as chore services and day care provided by the Department staff, by purchase of service, or by cooperative agreement with other agencies to persons meeting specified eligibility requirements.

Income maintenance workers gather information through direct interviews with applicants and recipients, and collateral contacts to determine initial as well as continued eligibility for financial assistance, i.e., AFDC, SSI, GA, and compute the correct amounts of financial assistance for all applicants and recipients. Income maintenance workers also process applications for Food Stamps, and issue authorization-to-participate cards to allow eligible persons to participate in the Food Stamps program. They also review requests for issuance of emergency Food Stamps, and rental and room deposit payments. They are also responsible for reviewing initial and continued eligibility of persons seeking Medicaid benefits, and for issuing Medicaid coupons to those determined to be so eligible.

Social workers assigned to the Public Welfare Division's social service units investigate child and adult abuse and neglect referrals, intervene in family crises, counsel families and individuals, review and coordinate applications for chore service and day care assistance, coordinate the foster grandparent and senior companion programs' activities, locate and place children in foster homes, and license adult family boarding homes and child day care facilities.

Clerks, clerk typists, secretaries, pre-audit clerks and account clerks maintain the DSSH's computer network and payment disbursement functions which support the above-described programs, including data gathering for eligibility determinations and verifications, and issuance of State warrants, Food Stamps ATP cards and Medicaid coupons.

The Department employs approximately 1,000 income maintenance workers, social workers, secretaries, clerk typists, social service assistants, social service aides, income maintenance program specialists, professional nurses, medical consultants, program specialists, accounts clerks, and pre-audit clerks included in bargaining Units 3, 4, 9 and 13 who staff its various Division offices as well as its Fiscal Office, Office of Information Systems and Office of Research and Statistics.

The Board finds that the interruption of services provided by the Public Welfare Division as a result of a strike by public employees would present an imminent danger to the health or safety of those individuals who have no means to purchase food, pay rent, or utilities and obtain medical care without assistance from the agency, and that the staffing requirements set forth in the order herein must be met in order to remove such danger to public health or safety.

Counties

The Counties of Maui, Hawaii, and Kauai administer several social service programs directed toward ensuring the health of elderly members of their communities.

Maui

The County of Maui has two programs which provide nutritional meals to the elderly, i.e., the Home Delivered Meals Program and the Congregate Meals Program.

Home Delivered Meals Program. Currently the Department of Human Concerns serves approximately 154 elderly citizens who are handicapped, frail, vulnerable and homebound under the Home Delivered Meals Program. The purpose of this program is to provide nutritious meals to the elderly who are homebound in order that their health and safety can be improved and maintained. The Home Delivered Meals Program administered by the department is considered to be the top priority of the federal, state and Maui County. It is a key service in prevention of premature institutionalization.

The Board finds that withdrawal or discontinuance of such a program will present an imminent danger among the homebound elderly who depend on the program for basic nutritional and personal needs.

Congregate Meals Program. In addition to the Home Delivered Meals Programs, the Department of Human Concerns is charged with the responsibility for the Congregate Meals Program which provides meals to eligible senior citizens in Maui County, as required by the federal government and the State Executive Office on Aging.

At present, approximately 2,000 senior citizens in the County of Maui are being served under this program. The congregational lunches provide the primary source of nutrition aid for

approximately 20% of the elderly service population. Participation in the program can prevent or delay the need for more intensive in-home services.

The Board finds that withdrawal of such a program will present imminent danger to the health or safety of senior citizens who depend on the program for basic nutritional needs.

Hawaii

The County of Hawaii, through the elderly activities division of its Department of Parks and Recreation, provides a variety of essential services for its elderly citizens.

The elderly activities division provides support services to seniors 60 years and older, such as escort and transportation services, chore and personal care, and meals. Also provided is an information and referral agency for seniors which receives calls from the elderly which may include requests for immediate medical attention.

The Information and Referral Specialist coordinates with the State Department of Health and other appropriate agencies to provide essential support services for the functionally disabled seniors who have multiple and complex needs.

The coordinated services branch of the elderly activities division provides escort and transportation services to doctors, physical therapy, dialysis, and health examinations, day care, assistance in shopping and the paying of bills, and the picking up of medication. It also performs in-home services such as bathing, dressing, feeding, preparing meals, housekeeping, laundry, and home deliveries of meals. As it is anticipated that

during a strike the congregate center will close, the home delivery of meals will be a critical necessity.

The Board finds that the total withdrawal of the above services during a strike by Units 3 and 13 workers would present an imminent and present danger to the health or safety of the elderly who normally depend on such services for the meeting of basic needs and that the staffing requirements set forth in the order herein must be met in order to remove such danger to health or safety.

Kauai

The County of Kauai, through its Office of Elderly Affairs, provides numerous services for its elderly.

Through agreements with the State and federal governments, the Office of Elderly Affairs provides homebound meals, transportation and needed counseling services to an estimated 5,000 frail, semi-ambulatory, non-ambulatory and handicapped elderly.

Kauai is basically a rural island, with high numbers of elderly living in geographically isolated communities where no basic services are available. Many of its elderly are in ill health, speak no or limited English and are dependent upon Community Service Aides for their health and transportation needs. The homebound nutrition, counseling, and information services must be continued to ensure the well-being of these individuals. Services provided in many cases are of critical importance (i.e., dialysis, radiation, physical, or chemotherapy

etc.). Many have no families and often outreach aides are their only support system.

The Board finds that the total withdrawal of the above services during a strike by Units 3 and 13 workers would present an imminent or present danger to the health or safety of the elderly who normally depend on such services and that the staffing requirements set forth in the order herein must be met in order to remove such danger to health or safety.

HOUSING PROGRAMS

State of Hawaii

The DSSH, through the Hawaii Housing Authority (HHA) maintains approximately 4,428 housing units on the islands of Oahu, Hawaii, Maui, and Kauai, and administers rent subsidy and energy subsidy programs.

There are 4,428 housing units under the management of HHA. Of this total, 3,239 units are located on Oahu, 705 units on Hawaii, 266 units on Maui, and 218 units on Kauai. Also of the total, 1,700 units are dedicated to housing the elderly, 1,000 of which are on Oahu.

The United States Department of Housing and Urban Development (HUD) makes funds available to subsidize the rents of low and moderate income persons occupying privately owned rental units through its Section 8 housing program. HHA has contracted with that agency to receive and disburse those funds in Hawaii. In order to qualify for such funds, HHA must ensure that individuals seeking such assistance are certified for said benefits, secure landlord participants for the program, assure that rental

units satisfy safety and sanitary prerequisites, and make monthly disbursements of rental assistance payments to the private landlords.

HUD has informed HHA that all of the prerequisites for its Section 8 program must be satisfied, despite any labor strike, if funds for subsidizing rents are to continue to be made available by the federal government.

Approximately 42 employees in bargaining Units 1, 2, 3 and 13 are required to provide a variety of services to continue the rental assistance program and maintain HHA's housing units in the event of a strike. The nature of the various services for which staffing is required is as follows:

Housing Management - Building Maintenance Services.

At all the project areas, the Building Maintenance Helpers and Building Maintenance Workers I and II perform emergency repairs to electrical, plumbing and other miscellaneous items. On Kauai, they also maintain and monitor the Authority's Sewage Treatment and Cesspool Facility. Performance of these functions in a continuous and timely manner safeguards tenants' health and safety. Some of the emergency situations to which the staff must respond include power outages, ruptured gas and water lines, leaking gas, broken glass, and clogged plumbing. The projects require a great deal of maintenance attention because of their age - 28% of the units are over 20 years old, and about 67% are over 10 years old. Also, vacant units must be made ready for assignment of a backlog of 4,000 applicants who are in need of assisted housing in the private sector.

Housing Management - Section 8 Inspection. HUD's

Section 8 housing program provides rent subsidies directly to private landlords for payment of tenants' rent. A prerequisite for continued rent subsidy payments is that units be inspected to make sure they conform to housing quality standards. Inspections by two inspectors on Oahu (outer island inspections are done by the Area Managers) are essential in order to avoid loss of the subsidy, which could result in tenant evictions.

Finance and Accounting Office - Paying of Tenant Bills.

In the Accounting Office, the accountants have the responsibility of receiving and disbursing large sums of money used for providing essential services to tenants. Rent money from approximately 3,000 units and federal funds are received by the staff who then pay tenants' bills for rent and utilities. Nonpayment would result in loss of essential utility services to tenants or their possible eviction. Secretaries, accountants, account clerks, and procurement and supply specialists purchase and inventory supplies for emergency building maintenance services and ensure that HHA employees are properly compensated for continued performance.

Finance and Accounting Office - Ordering and Issuing Supplies for Emergency Maintenance. The staff of the Purchasing office buys and inventories all supplies for the project areas. A minimum of supplies is kept at the baseyards. In order to supply the appropriate materials in a timely manner, the services of one Procurement and Supply Specialist are required.

Finance and Accounting Office - Preparing Payroll.

Employees who render the above-described services to check threats to the public health or safety must be compensated if we are to appropriately expect the services to continue to be available.

The Board finds that unless building maintenance helpers, building maintenance workers, building maintenance supervisors, housing inspectors, and the requisite support staff for rent receipt and disbursements, procurement of materials and supplies, and payroll functions are designated essential, the threat to the health or safety of persons occupying unsafe or unsanitary dwellings cannot be overcome.

Counties

The City and County of Honolulu, and the Counties of Hawaii, Maui and Kauai administer housing programs aimed at providing safe and sanitary housing for the elderly, persons who are disabled, or of low or moderate income who cannot afford the same. These programs are designed primarily to address concerns regarding unsafe or unsanitary accommodations by way of rental assistance and subsidization. Like the State, each of the counties participates in HUD's Section 8 housing program to secure funds for rental subsidies needed to effect the programs' objectives.

Each jurisdiction has been informed that HUD funds will not continue to be provided if the HUD-established prerequisites of tenant certification, unit inspections, and separate contracts with respective private landlords are not maintained as a result

of a labor strike. If such a strike should occur, county public housing specialists, housing and community specialists, relocation specialists, clerk-stenos, clerk-typists and housing inspectors assigned to bargaining Units 3 and 13 are needed to ensure against the loss of funds and assure continued availability of safe and sanitary housing for the Section 8 programs' respective beneficiaries in each of the counties.

County participation in the Section 8 program works generally as follows:

The federal government subsidizes rental payments for qualified low and moderate-income families. The Program requires that applicants be interviewed and oriented, that the applicants' income be verified and certified, that the Office of Housing and Community Development (OHCD) contract directly with the landlords for payment of the monthly rental subsidies, and that the rental units and premises be inspected, brought up to Program requirements, and certified.

Hawaii

As of December 1, 1983, the OHCD had a total of 657 dwelling units in the Program. Commencing August 1, 1983 and ending November 30, 1983 (4-month period), during each month and on the average, 24 new tenants were enrolled in the Program and 41 existing tenants were recertified. Each month, approximately 63 units were physically inspected as required by the Program's requirements for minimum standards for health and safety.

In Hawaii County there are usually one Housing Specialist, three Housing Counselors, three Housing Aides, one part-time Accountant, one part-time Account Clerk and one part-time Clerk/Steno to carry on the functions of the Existing Housing Division of the OHCD. The Existing Housing Division also manages a total of 50 dwelling units in the Kulaimano Elderly Housing [hereinafter KEH] Project that serves 50 elderly families.

The Division coordinates the KEH general building maintenance and repair services such as clearing clogged toilets and sinks, repairing ruptured pipes, broken windows, doors and electrical switches, and replacing broken locks and lighting fixtures, and processes payments for essential services, such as garbage collection, electrical service, sewer and water service, for the KEH Project. The Division also collects, maintains, and updates resident information necessary to prepare monthly and periodic reports required by the United States Department of Agriculture, Farmers Home Administration, Rural Rental Housing Program.

City and County of Honolulu

As of November 19, 1983, the Department of Housing and Community Development (DHCD) of the City and County of Honolulu had a total of 1,593 dwelling units in the Program. Commencing August 21, 1983 and ending November 19, 1983 (13-week period), during each week and on the average, 12 new tenants were enrolled in the Program and 23 existing tenants were recertified. Each week, approximately 37 units were physically inspected and

certified as required by the Program's requirements for minimum standards for health and safety.

The six specialists, three inspectors, and five clerks who administer the Section 8 program perform the interviewing, orientation, certification, and income verification functions of the Program; inspection of rental units for code and program deficiencies, identification of necessary improvements, and certification of the performance of necessary work; processing of program documentation, certification and income verification, and initiation of documentation for the receipt of rental assistance money.

Maui

Maui County is currently authorized to assist 444 low and moderate income families under the Section 8 Housing Program. As of January 1, 1984, 402 families were receiving assistance and the remaining 42 families are in various stages of being qualified or receiving assistance. There were 437 applicants on the waiting list for the Section 8 Housing Program as of January 11, 1984.

On an average, 25 families have to be recertified for eligibility each month (includes re-inspection of units), and another 12 new applicants have to be processed for eligibility (includes inspection of units). In addition, whenever a tenant that has been receiving assistance vacates a unit and the landlord/managing agent submits a claim for damages to the unit, the unit must be inspected to verify the damages to the unit.

Kauai

The County of Kauai Public Housing Authority is presently authorized to assist 468 families in the Section 8 Program. An additional allocation of 27 units is expected in February, 1984.

Presently, only five of seven employment positions allotted to administering the Section 8 Program are filled. They are Program Manager, Counselor/Interviewer Supervisor, Counselor/Interviewer, Housing Aide, and Bookkeeper.

The Board finds that without the county housing programs, the low and moderate-income families in the programs would be unable to afford the safe and sanitary housing in which they currently live. They would face possible eviction. Such a situation thus presents an imminent and present danger to the health or safety of the public.

The Board also finds that cessation of Hawaii County's support of the KEH project would create unsafe and unsanitary conditions and present an imminent or present danger to the health or safety of affected dwellers.

INCOME MAINTENANCE PROGRAMS

DLIR administers three programs which are designed to minimally maintain the purchasing power of persons who no longer receive wages because of unemployment through no fault of their own, or as a result of work or non-work related sickness or

injury. Respectively, these programs are the unemployment insurance program (Chapter 383, HRS), the workers' compensation program (Chapter 386, HRS), and the temporary disability insurance program (Chapter 392, HRS).

The Unemployment Insurance Division with a Statewide total of eight claims offices dispersed among Oahu (three offices), Hawaii (two offices), and Maui, Molokai, and Kauai (one office each), administers DLIR's unemployment insurance program. Approximately 160 employees in bargaining Units 3, 4 and 13 are responsible for staffing the program. These employees include unemployment insurance specialists, unemployment insurance assistants, clerks, clerk-stenographers, employment security appeal referees, and clerk-typists. They are responsible for completing one of four functions: initial claims processing; benefit payment request processing; eligibility adjudication; and appeals.

Pursuant to Section 503(a) (1) of 42 United States Code (USC), a state's unemployment compensation law must include provisions for methods of administration which are reasonably calculated to insure full payment of unemployment compensation benefits to eligible claimants. Section 640, 20 Code of Federal Regulations, contains the criteria a state must comply with to satisfy Section 503(a) (1) of 42 USC, and requires that a state issue 87% of first payments within 14 days of the first compensable week of unemployment to intrastate claimants, and 70% of first payments within 14 days of the first compensable week of unemployment to interstate claimants.

During fiscal year 1983, the Unemployment Insurance Division processed 92,334 initial claims, issued 749,382 benefit payment checks, reviewed and adjudicated 47,868 claims in which eligibility was disputed either by the unemployed worker or the employer, and heard 3,117 claims disputes on appeal. Seventy-two million, seven hundred twelve thousand, one hundred forty-eight dollars (\$72,712,148.00) in unemployment benefits were paid during that fiscal year. Similarly, 6,833 initial claims, 58,284 benefit payments, 4,152 eligibility disputes, and 229 appeals were processed during the month of October 1983. A total of \$5,600,418 in unemployment benefits was paid out.

Unemployment insurance benefits are intended to mitigate against the economic hardships experienced by individuals who lose their jobs through no fault of their own, by maintaining a minimal level of income for unemployed individuals and their families so as to allow them to continue to secure their basic needs for food, clothing, and shelter during a reasonable period of time while further employment is sought.

Any interruption of unemployment insurance benefits payments resulting from a strike by these employees would prevent unemployed individuals currently receiving benefits from continued receipt of their weekly unemployment payments. These claimants' abilities to purchase food, shelter, clothing and the basic necessities of life are likely to be jeopardized, if such were to occur. Those newly unemployed due to the strike or other reasons would be unable to apply for unemployment benefits and, if they are determined eligible, receive unemployment benefits.

For these reasons, the Board finds that in order to preserve the health or safety of the unemployed, the Unemployment Insurance Division must maintain its full staffing complement to ensure that it can continue to provide a financial means for the unemployed to secure basic necessities.

The current 154 employees (with one excluded) process claims arising under normal or non-strike circumstances. It is anticipated that, should a strike occur, the staff will have to work overtime, including weekends.

DLIR is also responsible for disbursing workers' compensation and temporary disability insurance benefits from the Special Compensation Fund and the Special Fund for Disability Benefits, to sick or injured workers and/or their dependents in the public and private sector, whose employer is either not fully liable for disability coverage or is delinquent or in default on payments. Chapter 386, Part IV-C and Chapter 392, Part IV, HRS. Like unemployment insurance benefits, payments made from these special funds are intended to mitigate the adverse effects of loss of income, and to assist these workers and their families in securing the basic necessities of life during all or part of the period of the workers' incapacity.

The services of one accountant in bargaining Unit 13, working three days at the end of each month is required to ensure that the approximately 500 disabled workers (primarily recipients of workers' compensation benefits) currently receiving payments from these two special funds continue to receive their benefits.

Payments from the Special Fund for Disability Benefits (Chapter 392, HRS) are made to those individuals who become disabled when unemployed and who are also ineligible for benefits under Chapters 383 and 384, HRS. Payments are also made to employees entitled to receive temporary disability benefits but who, because of the bankruptcy or the noncompliance of the employer, cannot.

Injured or disabled employees or their families may depend upon payments from the Special Disability Fund or payments from the Special Compensation Fund to provide for their daily needs until suitable employment is found.

The Board finds that suspension of payments to these recipients would result in financial loss and hardship very possibly leading to further deleterious effects on their health or safety.

For administrative purposes, the State Employees Retirement System and Health Fund are assigned to B&F, even though each program is maintained by the respective funds' own staff and boards of trustees. Like the previously discussed income maintenance programs, the ERS and Health Fund programs are designed to ensure that former State and county workers receive a minimal income from contributions to the retirement system made earlier by themselves and their employers, and that current and retired State and county workers are covered with insurance for medical care payments, respectively.

With regard to a legal strike authorized by the Chapter 89, HRS, the Health Fund's administrative rules permit State and

county employees to receive insurance coverage provided such employees pay their monthly contribution on or before the tenth day of each month to the Health Fund, or if they are county employees, to their respective county directors of finance if the required monthly contribution is not withheld from their paychecks while they are on leave or on strike. A 31-day grace period for late payment is observed.

Those administrative rules further provide that the Administrator shall suspend an employee's enrollment in a health fund benefit plan if the employee's required monthly contribution is not paid or withheld from his earnings and transmitted to the Health Fund, or if a county employee, to the respective county director of finance on a timely basis or as required by Section 87-6, HRS, and chapters 30 through 36 of Title 6, Administrative Rules.

The Health Fund utilizes the computer services provided by the Electronic Data Processing Division (EDPD), B&F and other related computer services from the City and County of Honolulu, Hawaii County, Maui County, Kauai County and the Board of Water Supply to reconcile the medical insurance premiums with the payroll deductions of approximately 31,000 State and county employees. The Administrator requests the services of one Accountant IV and one Clerk III to assist in processing premium payments.

The Health Fund Administrator testifies that, with the two requested workers, the Fund would be more able to notify all State and county employees of their insurance coverage status and

to send notices of premium shortage to those persons with outstanding balances or notices of cancellation to those persons who do not pay their premium on a timely basis. Much of the transmittal of mail, including delinquency notices, is done by computers.

The bulk of the work necessary to issue these warrants are performed by EDPD-B&F's centralized computer facility and its personnel.

The Board finds that present and retired State and county employees' health or safety will not be adversely affected if the two requested employees do not report to work for the duration of a strike. Testimony indicated that delinquency notices for lack of premium payment are sent out by computer. Thus the absence of the requested workers will not jeopardize medical coverage because a recipient forgets to pay due to lack of notice. Moreover, testimony also indicated that the next due date for payment after February 22, 1984, the anticipated first day of the possible strike, is March 10, 1984. Given the 31-day grace period, that deadline for premiums is April 9, 1984. Testimony also indicated that should nonpayment extend to this latter date, relevant notices of cancellation would not go out until sometime in May, in which notices recipients would be afforded a last chance to make premium payments. Thus, even if nonpayment occurs, recipients have ample time to ensure continued coverage.

SUPPORT SERVICES

EDPD-B&F operates the State's centralized computer facility to provide data processing services to the State's public welfare, unemployment insurance, workers' compensation, temporary disability, retirement/pension, and health insurance programs. In addition, EDPD-B&F operates computer based data processing systems to (a) process the State's payroll documents and issue its bi-weekly payroll warrants, (b) process vendor invoices and issue warrants for materials, supplies, and contracted services, (c) reconcile and reimburse State warrants presented for payment by financial institutions, and (d) reconcile warrants issued against appropriations for the legislature. Ordinarily, EDPD-B&F is staffed by approximately 130 data entry clerks, control clerks, computer operators, system programmers, and application analysts/programmers assigned to bargaining Units 3, 4 and 13 who are required to ensure continuous operation of EDPD-B&F's centralized computer facility. Approximately 60 of these employees must continue working in the event of a strike. Without the services of these employees, information needed to be put into machine readable form for processing by the computer, successful execution of programs, and continuous operation of both the computers operating software as well as applications programs, i.e., programs to process and prepare monthly retirement/pension warrants, welfare warrants, Food Stamps and Medicaid coupons, unemployment insurance warrants, workers' compensation warrants, temporary disability benefit warrants,

and warrants for materials and supplies for maintenance and refurbishing of HHA's housing projects, cannot continue. Essentially, the programs designed to insure that members of the public are able to meet their basic needs for food, clothing, shelter, medical care and the like would not be capable of continuing without this crucial last step in the distribution scheme established to provide said benefits. The Board finds that a cessation of data processing support for these programs and functions would jeopardize public health or safety.

EDPD's central computing facility operates 24 hours a day, seven days a week, to process work for the State Government.

George Ke, Chief of EDPD, testified that he has been informed that the Judiciary and certain Executive departments of the State seek to have the following functions and responsibilities continue in the event of a strike by employees in order to avoid or prevent danger to the health or safety of the public:

- Public Welfare Programs - Aid to Families with Dependent Children, Supplemental Security Income, Food Stamps, Medicaid, Social Services;
- Housing Programs;
- Retirement/Pension Benefits Programs;
- Workers' Compensation and Temporary Disability Special Funds Payments Program;
- Unemployment Insurance Benefits Program;
- State Payroll for Excluded and Essential Employees in the Legislature, Executive and Judicial Branches;

- Warrant Processing for Materials, Supplies, and Contracted Services Needed to Maintain Housing, Social Services, Corrections, Court and Facilities and Equipment Maintenance Activities;
- Criminal History Information Systems;
- Employees Health Insurance Program; and
- Legislative Information System.

The following computer-based application systems are needed to provide data processing support for the functional programs listed above:

- Payroll - Processing of payroll checks and information from SF-5s, timesheets, and other payroll documents;
- Hawaii/FAMIS - Processing of vendor payment information;
- Central Warrant Writer - Actual issuance of State warrants (payroll, public assistance, unemployment, etc.);
- Warrant Reconciliation - Reconciliation of warrants issued;
- Employees' Retirement System Pension Payroll - Processing of pension payroll checks and information;
- Employees' Retirement System - Accounting for cash receipts, disbursements, and reconciliation of warrants;

- Welfare Payments/Food Stamps - Processing of information relative to welfare payments and food stamp entitlement;
- Food Stamp Reconciliation - Reconciliation of food stamps issued;
- Unemployment Insurance - Work Incentive Program - Processing of information relative to unemployment insurance and Work Incentive Program;
- Unemployment Insurance - Regular - Processing of information relative to the regular unemployment insurance program;
- Health Fund - Processing of health fund information to enable the accounting of employee deductions and to determine the monthly payments to health and plan carriers; and
- Legislative Reconciliation - Reconciliation of warrants issued from legislative funds for supplies, services and salaries of all employees of the Legislature.

Certain employees in bargaining Units 3, 4 and 13 are required to provide data processing support services for the program and functions listed above to be continued in event of a strike. Any interruption of these employees' services would preclude full implementation of programs designed to provide certain members of the public with the necessities of life. Further, if the EDPD's facility is closed, valuable information stored in computer data bases would not be available to agencies

providing essential health and safety information to the general public. In order to ensure continuous operation of the central computing facility, data entry operator, control clerks, computer operators, systems programmers, and application analysts/programmers are needed:

The minimum numbers of required workers requested were ascertained after careful analysis of the data processing functions and tasks needed to successfully process data and information for the programs and functions listed. However, varying factors such as the extent to which the criminal justice system is operational, the number of bargaining units (employees) on strike, the number of positions designated as essential, and the duration of the strike may require modifications of said numbers.

The "When Required" periods specified are dictated by and must be coordinated with the nature of the programs and functions which EDPD's data processing services support. In order to meet the scheduling deadlines for the programs, certain employees must work during regular work hours, others on the swing shift, and still others on standby basis. A two-shift operation is necessary to meet the requirements of certain jobs that are processed on a daily basis. These jobs have deadlines at which time source documents must be available for performing data entry, followed by input control, computer processing, and output control activities. Computer generated reports must be available to the user departments and agencies for use the following morning in order to maintain their daily activities. Likewise, certain applications, payroll in particular, require

processing. Without data entry operators, computer operators, and control clerks who are on call, these application systems would not be processed.

The Board finds that without the EDPD positions being filled in accordance with the Board order herein, the health or safety of the public may be jeopardized, since the public assistance programs and services addressed throughout this decision depend on the EDPD as an integral part of program and service delivery.

Before State warrants issue under the AFDC, SSI, GA, unemployment insurance, workers' compensation, temporary disability, and retirement programs can be prepared by EDPD-B&F and disbursed by the program agencies, warrant vouchers must be reviewed and issued by the Pre-Audit Branch, Accounting Division of DAGS. Warrant vouchers must also be prepared and reviewed before warrants for HHA rent supplements, the Judiciary's jurors' fees, the State's bi-weekly payroll, and payments for supplies, materials, and contracted services, can be issued. In addition, all transactions must be entered into the State's computer-based accounting system (FAMIS), and financial reports prepared from such records by personnel in DAGS' Uniform Accounting and Reporting Branch and Systems Accounting Branch. To ensure that State and county retirees/pensioners, public welfare recipients, and unemployed and/or disabled workers continue to receive State warrants, approximately 17 clerk-typists, clerks, clerical supervisors, pre-audit clerks, claims pre-audit supervisors, account clerks, control accounts bookkeepers, fund control

accountants, system accountants, clerk-stenographers, and secretaries assigned to bargaining Units 3, 4 and 13 are required to work full or shortened schedules. At least 21 incumbents to those same positions, some of whom are included in the above approximation of 17, are needed to process and issue the State's bi-weekly payroll.

The Accounting Division (AD) consists of the following branches:

- a. Pre-Audit Branch;
- b. Uniform Accounting and Reporting Branch; and
- c. Systems Accounting Branch.

The primary function of the Pre-Audit Branch (PAB) is to assure the legality and propriety of vouchers issued by, and containing payment claims of various expending State agencies.

The types of warrants issued by the PAB include: payroll warrants, warrants for supplies and materials, warrants on account of State contracts, warrants for unemployment compensation, warrants for welfare benefits, warrants for rent supplements, and warrants for juror fees.

The PAB is comprised of the Payroll Section, Voucher Section, and Clerical Section.

The Payroll Section pre-audits all payroll vouchers for gross pay to assure compliance with applicable law relating to compensation. Approximately 45,000 payroll warrants are issued per payday.

A variety of payroll deductions, both voluntary and mandatory, are also pre-audited for employee authorization and

compliance with applicable law, before being submitted to the computer-based payroll system for processing.

In order to issue payroll warrants on a particular pay-day on a statewide basis, critical time constraints apply between the submission of time warrant vouchers by State agencies and the issuance of payroll warrants.

Warrant vouchers for claims by vendors, contractors, welfare and unemployment benefits recipients and other creditors of the State are pre-audited by the Voucher Section for legality and propriety before warrants issue.

Many contracts must also be pre-audited at the time they are entered into so that the Comptroller can issue a certification of the availability of funds, as required by Section 103-39, HRS, reserving the funds for payment.

The Clerical Section provides clerical services for the Payroll and Voucher sections.

The Clerical Section's services include: maintaining controls over the issuance of warrants; reporting; recording and maintaining records; and producing and distributing warrants.

Critical data required for reporting to the Internal Revenue Service, State Department of Taxation, and Social Security Administration are maintained on a daily basis to assure continuing accuracy and balancing of the computer-based payroll system files.

All warrants, both payroll and nonpayroll, are issued by the PAB under the facsimile signature of the Comptroller.

In view of the high volume and variety of warrants issued, strict control procedures are followed by the Clerical Section, on a daily basis, in connection with the issuance of warrants.

Matters of note which are subject to control procedures include: the use of the Comptroller's facsimile signature, the methods by which the various warrants are distributed, and the issuance of stop-payment notices to the State Treasury and the related duplicate warrants.

The Uniform Accounting and Reporting Branch (UARB) records transactions it deems to be acceptable accounting transactions and reports financial information from the accounting records.

The Control Accounts Bookkeepers I and II in the UARB correct accounting errors, enter acceptable accounting transactions into the computer-based accounting system, and release payment transactions found to be error-free.

The Account Clerk IV position also contributes to the activities mentioned in the two previous paragraphs by maintaining registers and controls through which accounting documents pass before being processed by the bookkeepers.

The Systems Accounting Branch (SAB) maintains and manages the State's accounting system and lends support to the other branches of the AD.

In 1983, the State implemented a new accounting system which demands most of the staff time at the SAB.

The Board finds that continuity in the myriad accounting functions of the Accounting Division of DAGS during a strike is necessary to preserve public health or safety. These accounting functions are necessary to ensure that essential government services continue to operate at a minimal level of efficiency. They are intimately tied to issuance of paychecks or other forms of direct aid or services which impact directly on public health or safety.

In order to process and issue the State's 45,000 payroll warrants per payday and 100 non-payroll warrants per day, the positions and work periods designated in the Orders, infra, are needed by the AD.

In view of Petitioners' request that more than 10,400 employees be designated essential workers in case of a strike, and in view of the fact that, as of July 31, 1983, approximately 3,556 officers and employees, i.e., officers and employees of the legislature, elected or appointed officers, etc., are excluded from collective bargaining, a large segment of employees, in the event of a strike, would be working and thus entitled to receive paychecks. In the event of a strike, these officers and employees are entitled to be compensated for any work performed. To ensure that these employees continue to receive their bi-weekly State payroll warrants and thereby secure their basic necessities, account clerks, accountants, clerks, clerk-stenos, assigned to bargaining units 3, 4 and 13 must continue to staff the various administrative services offices of most of the State's departments. Under normal circumstances, 43 DAGS

employees in bargaining Units 3, 4 and 13 are required to issue the State's 45,000 payroll warrants on a bi-weekly basis. In addition, payroll personnel in some of the State executive departments and the Judiciary who are assigned to collective bargaining units must collect time data and prepare timesheets for EDPD-B&F and DAGS processing.

Because of the possibilities that incumbents of positions designated as essential by this Board may not continue to perform their usual and customary duties and functions if they do not receive regular paychecks, and that non-receipt of compensation might cause them to lessen or withhold services, thereby jeopardizing the public's continued receipt of services which this Board finds to be essential, the Board further finds that certain payroll personnel in some of the State executive departments and Judiciary are also essential to preserve the public health or safety by helping to ensure that essential workers are paid on time and thus offer full effort.

All positions are assigned to bargaining units 3, 4 and 13, and are in addition to the positions required for central payroll processing by the EDPD and the Accounting Division of DAGS.

Further, each of the counties must also assure that employees assigned to fill positions designated as essential by this Board and excluded officers and employees who are also precluded by law from striking, are paid in the event of a strike by public employees.

The Board finds that the payment of wages and salaries to City and County of Honolulu workers reporting during a strike is necessary to help ensure their full work performance and thus protect public health or safety. The Board thus finds that workers necessary to process the payroll are also essential to protect the public health or safety.

The County of Hawaii estimates that 500 to 600 employees and officers of that county must still be paid for their services even if a general strike by public employees takes place. The Board finds that the payment of wages and salaries to Hawaii County workers reporting during a strike is necessary to help ensure their full work performance and thus protect public health or safety. The Board thus finds that workers necessary to process the payroll are also essential to protect the public health or safety.

There are approximately 450 officers and employees of the County of Kauai who would not receive payroll warrants in the event of a strike by public employees, even though these employees, primarily police officers and public works employees, provided continued services. The Board finds that the payment of wages and salaries to Kauai County workers reporting during a strike is necessary to help ensure their full work performance and thus protect public health or safety. The Board thus finds that workers necessary to process the payroll are also essential to protect the public health or safety.

CONCLUSIONS OF LAW

UPW argued that it was not properly served with the Petition. Counsel for the State entered an affidavit into the record in which she asserted that she left a copy of the Petition with the receptionist at UPW headquarters after being told the State Director of UPW and his deputy were not in the office and after being told by the receptionist that she was not authorized to accept service or to sign receipts of service. The affidavit was entered into the record as proof of service of the Petition. The Board deems this proof of service adequate and rejects UPW's argument that Counsel for the State should not be allowed to use her own "testimony" to prove service. Counsel's description of how the Petition was served is more properly considered part and parcel of the proof of service rather than testimony on a contested issue.

The UPW also argued that it was not properly notified of the investigation and alluded to alleged technical deficiencies in the Notice of Investigation. Since the proceedings culminating in this decision were not a contested case under Chapter 91, HRS, but an investigation undertaken pursuant to Subsection 89-12(c), HRS, and Administrative Rules § 12-42-86, the Notice need not have complied with Chapter 91, HRS. The Notice was sufficient in that it complied with the requirement of § 12-42-86(b) that the purpose, nature, time and place of the preliminary investigation be provided. Moreover, no prejudice was shown by any alleged noncompliance.

The Board reiterates its position, oft-voiced during hearings, that the subject proceedings were investigatory in

nature and conducted pursuant to Subsection 89-12(c), HRS, and Administrative Rules § 12-42-86, as opposed to a full-blown contested case as provided in Chapter 91, HRS. The Board notes that the principle aim of the subject proceedings was to enable it to gather information in order to make determinations as to employee essentiality. Thus, certain procedural safeguards available to parties in contested cases were not strictly observed. The Board is fully cognizant of the time constraints under which the UPW and HGEA labored in preparing its answering case and of the procedural rights which the HGEA attempted to push to the fore.

The Board itself, however, was operating under severe time constraints and had no option but to expedite hearings in order to ensure that, in the interests of public welfare, essential employees be determined before a strike occurred.

The Board has jurisdiction over the subject petition pursuant to Subsection 89-12(c)(1), HRS, which provides:

If a strike, which may endanger the health or safety of the public, is about to occur or is in progress, the public employer concerned may petition the board to make an investigation. If the board finds that there is imminent or present danger to the health or safety of the public, the board shall establish specific requirements that must be complied with and which shall include, but not be limited to:

- (A) Designation of essential positions;
and
- (B) Any other requirement it deems necessary in order to avoid or remove any imminent or present danger to the health or safety of the public.

This Board concludes that by virtue of Subsection 89-12(c), HRS, it has jurisdiction over this matter and that the assertion of jurisdiction by it was not only proper but necessary given the overwhelming amount of material the Employers presented in support of their petitions.

The Board further concludes that a strike by Units 1, 2, 3, 4, 9 and 13 employees is about to occur, and that the withholding during said strike of the Units 1, 2, 3, 4, 9 and 13 services which are the subject of these findings that have been made, will create an imminent or present danger to the health or safety of the public.

The performance of the services herein found to be essential to remove such danger must be done by Units 1, 2, 3, 4, 9 and 13 incumbents of the job titles or positions listed in the orders. The Board finds the Respondents' suggestion that private contractors or scabs or persons in wholly unrelated classifications should perform the work to be unacceptable and divorced from the realities of the tensions and pressures which exist in a strike.

In the Staffing Orders which follow, the Board has set forth the maximum number of positions which the Employer may fill as essential positions to perform the tasks which the Board finds to be necessary to avoid or remove danger to public health or safety during a Units 1, 2, 3, 4, 9 and 13 strike. If, however, the Employers discover that they need more positions than they asked for and were given, then they are expected to report that fact immediately to this Board. The mandate of Subsection

89-12(c), HRS, is to protect the public health and safety from dangers caused by strikes. It is impossible to predict, with certainty, exactly what number of people may be required to work notwithstanding a strike to cover events which may occur in the future.

ORDERS

Based upon the foregoing findings of fact and conclusions of law, the Hawaii Public Employment Relations Board hereby orders that the following positions be filled in the event of any strike or job action by Units 1, 2, 3, 4, 9 and 13 employees in accordance with the schedule provided.

STAFFING ORDERS

<u>BU & CLASS TITLE</u>	<u>NO. REQUIRED</u>	<u>WHEN REQUIRED</u>
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STATE OF HAWAII

DEPARTMENT OF SOCIAL SERVICES AND HOUSING

Public Welfare Division

State Office

Nursing Home Without Walls

23	Program Admin.	1	5 days/week; 8 hours/day
09	Reg. Prof. Nurse IV	1	regular hours
03	Social Worker III	1	24-hours beeper contact provided to patients

03	Social Serv. Aide III	1	5 days/week; 8 hours/day;
03	Secretary I	1	regular hours
			24-hours beeper con- tact provided to patients

(Note: If unable to keep the people served at home, these individuals can be admitted into Maluhia or Leahi facilities. They are not to be considered new admissions)

Medical Care Administration

13	Medical Consultant	1	5 days/week; 8 hours/day; regular hours
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Senior Companion

13	Prog. Specialist-Aging	.5	5 days/week; 4 hours/day
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Public Welfare Division

Oahu Branch--Income Maintenance

Applications Unit #1

04	Income Maint. Wkr V	1	M-Sat; 8 hours/day; regular hours
04	Income Maint. Wkr IV	1	
03	Income Maint. Wkr III	7	Overtime when necessary
03	Income Maint. Wkr II	2	
03	Secretary I	1	
03	Clerk-Typist II	5	
03	Clerk III	3	

Applications Unit #2

04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day; regular hours
04	Inc. Maint. Wkr IV	1	
03	Inc. Maint. Wkr III	9	Overtime when necessary
03	Inc. Maint. Wkr II	1	

03	Inc. Maint. Wkr I	1	M-Sat; 8 hours/day; regular hours
03	Secretary I	1	Overtime when necessary
03	Clerk-Typist II	3	
03	Clerk III	2	
<u>Applications Unit #3</u>			
04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day regular hours
03	Inc. Maint. Wkr III	3	Overtime when necessary
03	Inc. Maint. Wkr II	3	
03	Secretary I	1	
03	Clerk-Typist II	2	
03	Clerk III	1	
<u>Food Stamp Application Unit</u>			
04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day regular hours
03	Inc. Maint. Wkr II	9	Overtime when necessary
03	Secretary I	1	
03	Clerk-Typist II	4	
03	Clerk III	1	
<u>Medical Applications Unit</u>			
04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day regular hours
03	Inc. Maint. Wkr III	8	Overtime when necessary
03	Inc. Maint. Wkr II	4	
03	Secretary I	1	
03	Clerk-Typist II	2	
03	Clerk III	2	
03	Clerk-Steno II	1	

Waianae Unit

04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day regular hours
03	Inc. Maint. Wkr IV	1	
03	Inc. Maint. Wkr III	2	Overtime when necessary
03	Inc. Maint. Wkr II	3	
03	Inc. Maint. Wkr I	3	
03	Secretary I	1	
03	Clerk-Typist II	2	
03	Clerk-Typist I	1	

Wahiawa Unit

04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day regular hours
03	Inc. Maint. Wkr III	1	
03	Inc. Maint. Wkr II	6	Overtime when necessary
03	Secretary I	1	
03	Clerk-Typist II	2	
03	Clerk III	1	

Waipahu Unit

04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day regular hours
03	Inc. Maint. Wkr III	6	
03	Inc. Maint. Wkr II	2	Overtime when necessary
03	Secretary I	1	
03	Clerk-Typist II	1	
03	Clerk III	1	

Kalihi Unit

03	Inc. Maint. Wkr IV	1	M-Sat; 8 hours/day regular hours
03	Inc. Maint. Wkr III	2	Overtime when necessary
03	Inc. Maint. Wkr II	1	
03	Secretary I	1	
03	Clerk-Typist II	2	

Kapalama Unit

04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day regular hours
03	Inc. Maint. Wkr III	3	Overtime when necessary
03	Inc. Maint. Wkr II	2	
03	Secretary I	1	
03	Clerk-Typist II	1	

Kaneohe Unit

04	Inc. Maint. Wkr IV	1	M-Sat; 8 hours/day regular hours
03	Inc. Maint. Wkr III	2	Overtime when necessary
03	Inc. Maint. Wkr II	7	
03	Secretary I	1	
03	Clerk-Typist II	1	
03	Clerk-Typist I	1	

Makiki Unit

04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day regular hours
03	Inc. Maint. Wkr III	2	Overtime when necessary
03	Inc. Maint. Wkr II	3	
03	Secretary I	1	
03	Clerk-Typist II	1	

Nanakuli Unit

04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day regular hours
04	Inc. Maint. Wkr IV	1	
03	Inc. Maint. Wkr III	2	Overtime when necessary
03	Inc. Maint. Wkr II	3	
03	Secretary I	1	
03	Clerk-Typist II	1	

North Central Unit

04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day regular hours
03	Inc. Maint. Wkr III	9	
03	Secretary I	1	Overtime when necessary
03	Clerk-Typist II	1	

Pawaa Unit

04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day regular hours
03	Inc. Maint. Wkr III	6	
03	Secretary I	1	Overtime when necessary
03	Clerk-Typist II	1	

Punawai Unit

04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day regular hours
03	Inc. Maint. Wkr III	3	
03	Inc. Maint. Wkr II	1	Overtime when necessary
03	Secretary I	1	
03	Clerk-Typist II	1	

Refugee Assistance Unit

04	Inc. Maint. Wkr IV	1	M-Sat; 8 hours/day regular hours
			Overtime when necessary

03	Inc. Maint. Wkr III	1	M-Sat; 8 hours/day regular hours
03	Inc. Maint. Wkr II	2	Overtime when necessary
03	Clerk-Typist II	1	
<u>Windward Unit</u>			
04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day regular hours
03	Inc. Maint. Wkr III	2	Overtime when necessary
03	Inc. Maint. Wkr II	5	
03	Secretary I	1	
03	Clerk-Typist II	2	
03	Clerk III	1	
<u>Medical Payments Unit 1</u>			
04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day regular hours
03	Inc. Maint. Wkr III	7	Overtime when necessary
03	Secretary I	1	
<u>Medical Payments Unit II</u>			
04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day regular hours
03	Inc. Maint. Wkr III	4	Overtime when necessary
03	Inc. Maint. Wkr II	2	
03	Secretary I	1	
03	Clerk-Typist II	2	
<u>Food Stamp #1</u>			
04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day regular hours
			Overtime when necessary

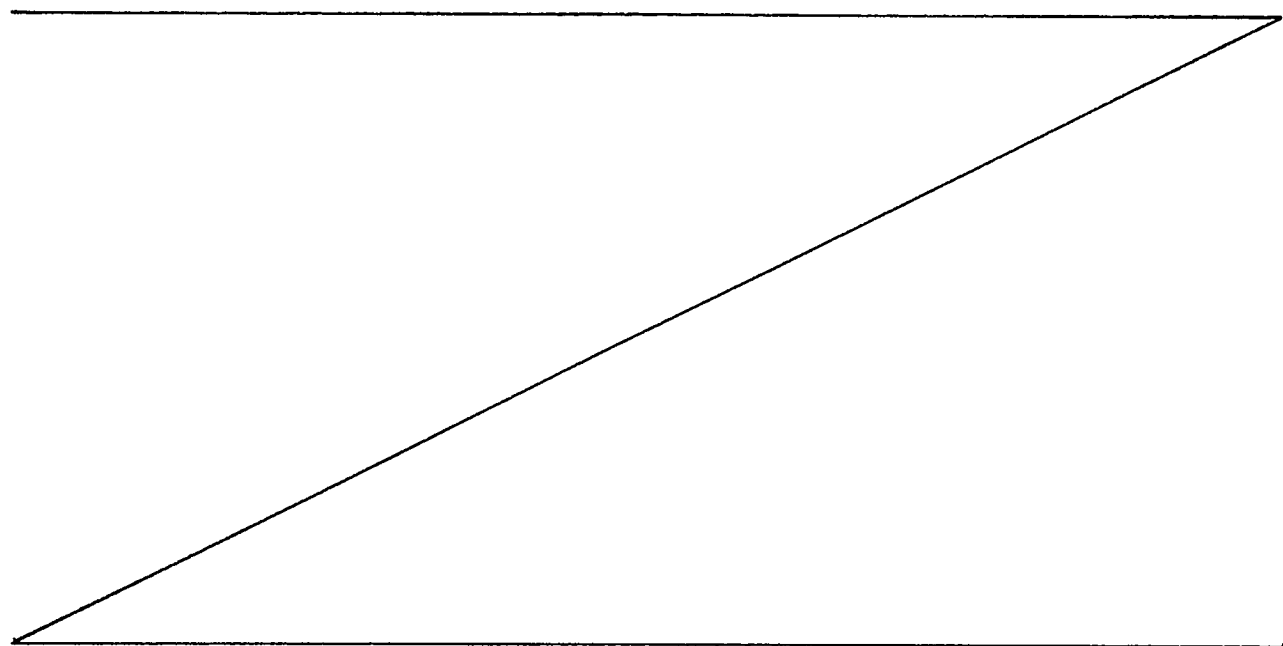
03	Inc. Maint. Wkr IV	2	M-Sat, 8 hours/day; regular hours
03	Inc. Maint. Wkr II	8	Overtime when necessary
03	Secretary I	1	
03	Clerk-Typist II	1	
03	Clerk III	1	

Food Stamp #2

04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day regular hours
03	Inc. Maint. Wkr II	7	Overtime when necessary
03	Secretary I	1	
03	Clerk-Typist II	1	

Food Stamp #3

04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day regular hours
03	Inc. Maint. Wkr II	10	Overtime when necessary
03	Secretary I	1	
03	Clerk-Typist II	1	
03	Clerk III	1	



Oahu Branch--Social Services Section

Child Protective Services Crisis Unit 1

13	Social Worker V	1	5 days/week; 8 hours/day; regular hours
13	Social Worker IV	2	
13	Social Worker III	2	Overtime when necessary
03	Secretary I	1	
03	Soc. Serv. Asst. IV	1	
03	Soc. Serv. Aide III	1	

Child Protective Services Crisis Unit II

13	Social Worker V	1	5 days/week; 8 hours/day; regular hours
13	Social Worker IV*	6	
13	Social Worker III	2	*Two workers are on call after hours
03	Secretary I	1	
03	Soc. Serv. Asst. IV	1	Overtime when necessary
03	Soc. Serv. Aide III	1	
03	Clerk-Typist II	2	

Adult & Family Crisis Unit

13	Social Worker IV	2	5 days/week; 8 hours/day; regular hours
			Investigations some- times must be done after hours and on weekends

Child Protective Services I

13	Social Worker V	1	5 days/week; 8 hours/day; regular hours
13	Social Worker IV	4	
03	Secretary I	1	Subject to after hours calls from foster parents
03	Social Serv. Asst. IV	1	

Child Protective Services II Unit

13	Social Worker V	1	5 days/week; 8 hours/day; regular hours
13	Social Worker IV	1	
03	Clerk-Typist II	1	Subject to after hours calls from foster parents
03	Social Serv. Aide III	1	

North Family Services Unit

13	Social Worker V	1	5 days/week; 8 hours/day; regular hours
13	Social Worker IV	4	
13	Social Worker III	2	Subject to after hours calls from foster parents
03	Secretary I	1	

South Family Services Unit

13	Social Worker V	1	5 days/week; 8 hours/day; regular hours
13	Social Worker IV	2	
13	Social Worker III	3	In cases of emergen- cies, subject to after hours calls from foster parents
03	Social Serv. Asst. IV	1	
03	Secretary I	1	

North Adult Services Unit

13	Social Worker V	1	5 days/week; 8 hours/day; regular hours
13	Social Worker III	2	
			Overtime when necessary

South Adult Services Unit

13	Social Worker III	3	5 days/week; 8 hours/day; regular hours
03	Secretary I	1	
			Overtime when necessary

North Foster Care Unit

13	Social Worker V	1	5 days/week; 8 hours/day; regular hours
13	Social Worker IV	2	
13	Social Worker III	3	Subject to after hours calls from foster parents
03	Social Serv. Ass. IV	1	

Overtime when
necessary

South Foster Care Unit

13	Social Worker IV	1	5 days/week; 8 hours/day; regular hours
13	Social Worker III	4	
03	Secretary I	1	Subject to after hours calls from foster parents
03	Clerk-Typist III	1	

Overtime when
necessary

Foster Homefinding Unit

13	Social Worker III	1	5 days/week; 8 hours/day; regular hours
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Subject to after
hours calls from
foster parents

Social Services Section I

13	Social Worker VI	1	5 days/week; 8 hours/day; regular hours
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Emergencies/crises
after working hours,
weekends and
holidays

Social Services Intake Unit--Protective & Intake sub-Units

13	Social Worker V	1	5 days/week; 8 hours/day;
13	Social Worker IV	3	regular hours
03	Clerk-Typist II	2	Overtime when necessary
03	Secretary I	1	

Public Welfare Division

Hawaii Branch--Income Maintenance (IM)

Hilo Applications Unit

04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day; regular hours
03	Inc. Maint. Wkr III	5	Overtime when necessary
03	Secretary I	1	

North Hilo IM Unit

04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day; regular hours
03	Inc. Maint. Wkr III	6	Overtime when necessary
03	Inc. Maint. Wkr II	1	
03	Secretary I	1	
03	Clerk-Typist II	1	

South Hilo IM Unit

04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day; regular hours
03	Inc. Maint. Wkr III	7	Overtime when necessary
03	Clerk-Typist II	1	

Hamakua IM Unit

03	Inc. Maint. Wkr III	1	M-Sat; 8 hours/day; regular hours
03	Inc. Maint. Wkr I	1	Overtime when necessary
03	Clerk-Steno II	1	

Kau Unit

03	Inc. Maint. Wkr III	1	M-Sat; 8 hours/day; regular hours
03	Inc. Maint. Wkr II	1	Overtime when necessary
03	Clerk-Steno II	1	

West Hawaii IM Unit

04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day; regular hours
03	Inc. Maint. Wkr III	1	Overtime when necessary
03	Inc. Maint. Wkr II	3	
03	Secretary I	1	
03	Clerk-Typist II	2	

(Teleprocessing operator and clerk-typist
for Kona Food Stamp Unit)

Kohala IM Unit

03	Inc. Maint. Wkr II	1	M-Sat; 8 hours/day; regular hours
03	Inc. Maint. Wkr I	1	Overtime when necessary
03	Clerk-Steno II	1	
03	Clerk-Typist II	1	

North Kona IM Unit

04	Inc. Maint. Wkr IV	1	M-Sat; 8 hours/day; regular hours
03	Inc. Maint. Wkr III	2	Overtime when necessary
03	Inc. Maint. Wkr II	2	
03	Inc. Maint. Wkr I	1	
03	Clerk-Steno II	1	

Kona Food Stamp Unit

03	Inc. Maint. Wkr II	3	M-Sat; 8 hours/day; regular hours
			Overtime when necessary

Hilo Food Stamp Units I & II

04	Inc. Maint. Wkr V	2	M-Sat; 8 hours/day; regular hours
03	Inc. Maint. Wkr II	10	Overtime when necessary
03	Secretary I	2	

Hilo State Bldg.

03	Secretary III	1	M-Sat; 8 hours/day; regular hours Overtime when necessary
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Hawaii Branch Admin. Office

03	Clerk-Typist II (Teleprocessing operator)	3	M-Sat; 8 hours/day; regular hours Overtime when necessary
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Income Maintenance Section

13	Inc. Maint. Prog. Specialist V	1	M-Sat; 8 hours/day; regular hours
03	Secretary I	1	Overtime when necessary

Hawaii Branch--Social Services

Naalehu (Kau) Social Services

13	Social Worker II	1	5 days/week; 8 hours/day; regular hours Emergencies/crises after working hours, weekends and holi- days
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Kohala Social Services

13	Social Worker III	1	5 days/week; 8 hours/day; regular hours
			Emergencies/crises after working hours, weekends and holi- days

Kona Social Services

13	Social Worker V	1	5 days/week; 8 hours/day; regular hours
13	Social Worker IV	1	Emergencies/crises after working hours, weekends and holi- days

Honokaa Social Services Unit

13	Social Worker III	1	5 days/week; 8 hours/day; regular hours
			Emergencies/crises after working hours, weekends and holi- days

East Hawaii Social Services Unit

13	Social Worker IV	3	5 days/week; regular hours
			Emergencies/crises after working hours, weekends and holi- days

Social Services Section

13	Social Worker V	1	5 days/week; 8 hours/day; regular hours
			Emergencies/crises after working hours, weekends and holi- days

Public Welfare Division

Maui Branch--Income Maintenance

Maui Food Stamp Unit

04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day; regular hours
03	Inc. Maint. Wkr II	7	
03	Clerk III	1	Overtime when necessary
03	Clerk-Typist II	1	

Molokai/Lanai Units (On-going-Money, Food Stamp and Medical)

04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day; regular hours
03	Inc. Maint. Wkr III	1	
03	Inc. Maint. Wkr II	3	Overtime when necessary
03	Secretary I	1	

East Maui Unit

04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day; regular hours
03	Inc. Maint. Wkr III	3	
03	Clerk-Typist II	3	Overtime when necessary
	(T. P. operators)		
03	Clerk-Steno II	1	

Maui Applications Unit

04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day; regular hours
03	Inc. Maint. Wkr III	1	
03	Inc. Maint. Wkr II	1	Overtime when necessary
03	Inc. Maint. Wkr I	2	
03	Clerk-Typist II	1	

West Maui Unit

04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day; regular hours
03	Inc. Maint. Wkr III	4	
03	Secretary I	1	Overtime when necessary
03	Clerk-Typist II	1	

Maui Branch--Social Services

Social Services Unit

13	Social Worker V	1	5 days/week; 8 hours/day; regular hours
13	Social Worker IV	3	
03	Secretary I	1	24-hours standby services and must go out to investigate all abuse/neglect referrals occurring after hours, week- ends and holidays

Public Welfare Division

Kauai Branch--Income Maintenance

Central IM Unit

04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day; regular hours
03	Inc. Maint. Wkr III	3	
03	Inc. Maint. Wkr II	1	Overtime when necessary
03	Secretary I	1	

West IM Unit

04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day; regular hours
03	Inc. Maint. Wkr III	4	Overtime when necessary
03	Inc. Maint. Wkr II	1	
03	Secretary I	1	

East IM Unit

04	Inc. Maint. Wkr V	1	M-Sat; 8 hours/day; regular hours
03	Inc. Maint. Wkr III	6	
03	Inc. Maint. Wkr II	1	Overtime when necessary
03	Secretary I	1	

Teleprocessing Unit

03	Clerk-Typist II	2	M-Sat; 8 hours/day; regular hours
			Overtime when necessary

Kauai Branch--Social Services

Social Services Unit

13	Social Worker V	1	5 days/week; 8 hours/day;
13	Social Worker IV	3	regular hours
13	Social Worker III	1	24-hour standby services and must go out to investigate all abuse/neglect referrals occurring after hours, week- ends and holidays
03	Secretary I	1	

Office of Information Systems

Teleprocessing - Network Operator

03	Clerk-Typist III	1	5 days/week; 8 hours/day; regular hours
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Control - Control Clerk

03	Clerk IV	1	5 days/week; 8 hours/day; regular hours
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Fiscal Office

Benefit Payment Section

04	Pre-Audit Clerk III	1	5 days/week; 8 hours/day;
03	Pre-Audit Clerk I	5	regular hours

DEPARTMENT OF SOCIAL SERVICES AND HOUSING (HAWAII HOUSING AUTHORITY)

Housing Management

Building Maintenance

01	Building Maintenance Helper		Standby 7 days/week 24 hours/day
	Kauai	1	
	Oahu	2	
01	Building Maintenance Worker I		M-F, 7:00am-3:30pm; on call at all other times
	Kauai	1	
	Maui	1	
	Oahu	9	
	Hawaii	2	
01	Building Maintenance Worker II		M-F, 7:00am-3:30pm; standby all other hours
	Kauai	1	
	Maui	1	
	Oahu	5	
02	Building Maintenance Supervisor		M-F, 7:00am-3:30pm; standby all other hours
	Hawaii	1	

Section 8

13	Public Housing Specialist II	5	M-F, 7:45am-4:30pm
03	Clerk-Typist II	2	"
03	Housing Inspector	2	"

Finance and Accounting Office

Pay Tenant Bills

03	Secretary II	1	M-F, 7:45am-4:30pm
13	Accountant IV	1	"
13	Accountant V	1	"

Purchase and Inventory Supplies

13	Procurement & Supp. Spec. IV	1	M-F, 7:45am-4:30pm and on call
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Prepare Payroll

03	Account Clerk V	1	3 days/week; 8 hours/day
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DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Unemployment Insurance Division

Honolulu Claims Office

23	UI Specialist V	1	M-F, 8 hours/day; regular hours
23	UI Specialist IV	3	M-F, 8 hours/day; regular hours
13	UI Specialist I-III	12	M-F, 8 hours/day; regular hours
04	UI Assistant VI	3	M-F, 8 hours/day; regular hours
03	UI Assistant III-V	18	M-F, 8 hours/day; regular hours
03	Clerk-Stenographer II	3	M-F, 8 hours/day; regular hours

03	Clerk III	2	M-F; 8 hours/day; regular hours
03	Clerk II	2	M-F, 8 hours/day; regular hours
<u>Waipahu Claims Office</u>			
23	UI Specialist V	1	M-F, 8 hours/day; regular hours
23	UI Specialist IV	1	M-F, 8 hours/day; regular hours
13	UI Specialist III	6	M-F, 8 hours/day; regular hours
04	UI Assistant VI	1	M-F, 8 hours/day; regular hours
03	UI Assistant V	11	1 M-F, 8 hours/day; regular hours
03	Clerk-Stenographer II	2	M-F, 8 hours/day; regular hours
03	Clerk III	1	M-F, 8 hours/day; regular hours
<u>Kaneohe Claims Office</u>			
23	UI Specialist IV	1	M-F, 8 hours/day; regular hours
13	UI Specialist III	5	M-F, 8 hours/day; regular hours
03	UI Assistant III-V	9	M-F, 8 hours/day; regular hours
03	Clerk-Stenographer II	1	M-F, 8 hours/day; regular hours
<u>Oahu Branch Transaction Unit</u>			
04	UI Assistant VI	3	M-F, 8 hours/day; regular hours
03	UI Assistant III-V	15	M-F, 8 hours/day; regular hours
03	Clerk III	5	M-F, 8 hours/day; regular hours

Kona Claims Office

13	UI Specialist IV	1	M-F, 8 hours/day; regular hours
13	UI Specialist III	2	M-F, 8 hours/day; regular hours
03	UI Assistant III-V	4	M-F, 8 hours/day; regular hours

Hilo Claims Office

23	UI Specialist VI	1	M-F, 8 hours/day; regular hours
23	UI Specialist V	1	M-F, 8 hours/day; regular hours
13	UI Specialist I-III	3	M-F, 8 hours/day; regular hours
04	UI Assistant VI	1	M-F, 8 hours/day; regular hours
03	UI Assistant III-V	6	M-F, 8 hours/day; regular hours

Maui Claims Office

23	UI Specialist VI	1	M-F, 8 hours/day; regular hours
23	UI Specialist IV	1	M-F, 8 hours/day; regular hours
13	UI Specialist II & III	2	M-F, 8 hours/day; regular hours
03	UI Assistant III-V	10	M-F, 8 hours/day; regular hours

Kauai Claims Office

13	UI Specialist III	2	M-F, 8 hours/day; regular hours
03	UI Assistant IV & V	5	M-F, 8 hours/day; regular hours

Employment Security Appeal Referees' Office (Central Office - Oahu)

13	ESA Referee VI	3	M-F, 8 hours/day; regular hours
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03	Secretary II	1	M-F, 8 hours/day; regular hours
03	Clerk-Typist II	2	M-F, 8 hours/day; regular hours
03	Clerk-Typist II	1	M-F, 4 hours/day; regular hours

Administrative Services Offices

WC and TDI Special Funds Payments

13	Accountant III	1	3 days/month; 8 hours day; regular hours on 4th and 5th working day pre- ceding last working day of each month, and last working day of each month
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DEPARTMENT OF BUDGET AND FINANCE

Electronic Data Processing Division

Data Entry Operators

04	Key Equip. Spvr. II	1	5 days/week; regular hours
04	Key Equip. Spvr. I	2	5 days/week; regular hours
03	Key Equip. Operator I	15	5 days/week; regular hours
03	Key Equip. Operator I	14	On call (depending on workload)

Control Clerks

03	DP Control Clerk II	2	5 days/week; two shifts
03	DP Control Clerk I	4	5 days/week; two shifts
03	DP Control Clerk I	3	On call (depending on workload)

Computer Operators

04	Computer Ops. Spvr. I	3	5 days/week; three shifts
03	Computer Operator III	3	5 days/week; three shifts
03	Computer Operator II	4	5 days/week; three shifts
03	Computer Operator II	3	On call (depending on workload)

Systems Programmers

13	DP Systems Analyst V	2	On call (depending on software prob- lems)
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Application Analyst/Programmers

13	DP Systems Analyst V	3	On call (depending on software prob- lems)
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DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

Accounting Division

Pre-Audit Branch

03	Clerk-Typist	1	M-F; two hours per day
03	Clerk III	4	a total of 15 hours per pay period by all four employees; and a total of 14 hours per day by the four employees
03	Clerk VI	1	M-F, 8 hours per day
04	Clerical Supvr II	1	M-F; 8 hours per day
03	Pre-Audit Clerk II	8	M-F, 8 hours per day
03	Pre-Audit Clerk III	1	M-F, 8 hours per day
04	Clms Pre-Audit Supvr	2	M-F, 8 hours per day

Uniform Accounting and Reporting Branch

03	Account Clerk IV	1	M-F, 8 hours per day
03	Cntrl Accts. Bkkpr I	3	M-F, 8 hours per day
03	Cntrl Accts. Bkkpr II	1	M-F, 8 hours per day
13	Fund Cntrl Acctnt IV	1	M-F, 8 hours per day

Systems Accounting Branch

13	Systems Acctnt V	1	M-F, 8 hours per day
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NON-DAGS PAYROLL/NON-PAYROLL PROCESSING PERSONNEL

DEPARTMENT OF HEALTH*

Department of Administrative Services

Pre-Audit and Cashiering Services

04	Pre-Audit Clerk IV	1	M-F, 7:45am-4:30pm
03	Pre-Audit Clerk II	1	M-F, 7:45am-4:30pm
03	Pre-Audit Clerk I	2	M-F, 7:45am-4:30pm

* Does not include employee required to process payroll and non-payroll processing for DOH's 17 hospitals.

DEPARTMENT OF SOCIAL SERVICES AND HOUSING

Fiscal Office

Payroll and Pre-Audit Section

03	Account Clerk III	1	5 days/week; 8 hours/day; regular hours
03	Account Clerk II	1	5 days/week; 8 hours/day; regular hours

Hawaii Housing Authority

03	Account Clerk V	1	M-F, 7:45am-4:30pm
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DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Administrative Service Office

Payroll

03	Clerk IV	1	4 days/month; 8 hours/day; regular hours on first two working days following each payday, and the 6th and 7th working day preceding each payday
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DEPARTMENT OF DEFENSE

Administrative Services Offices

13	Accountant	1	M-F, 6:45am-3:30pm
03	Account Clerk IV	1	M-F, 6:45am-3:30pm

Note: The above are also on-call or work overtime to provide services in the event of natural or man-made disasters.

DEPARTMENT OF LAND AND NATURAL RESOURCES

Payroll and Voucher Payment

13	Accountant	1	8-hour day; M-F; regular hours
03	Account Clerk V	1	"
03	Account Clerk IV	1	"

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

Fiscal Services

Administrative Services Offices

03	Pre-Audit Clerk	2	M-F; regular hours
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Stadium Authority

03	Account Clerk III	1	M-F, 8:00am-12noon
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DEPARTMENT OF HAWAIIAN HOME LANDS

Financial Support (Fiscal Office)

13	Accountant IV	1	M-F, 7:45am-4:30pm
03	Account Clerk III	2	M-F, 7:45am-4:30pm

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

Administrative Services Office

03	Cashier I	1	M-F, 7:45am-4:30pm
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DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Administrative Services Office

13	Accountant V	1	M-F, 7:45am-4:30pm
13	Accountant II	1	M-F, 7:45am-4:30pm

CITY AND COUNTY OF HONOLULU

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Housing Division

Section 8

13	Housing and Community Specialist V	1	8 hours per day, 5 days per week
13	Housing and Community Specialist III	1	8 hours per day, 5 days per week
13	Housing and Community Specialist II	3	8 hours per day, 5 days per week
03	Urban Rehabilitation Inspector	2	8 hours per day, 5 days per week
03	Clerk-Typist	2	8 hours per day, 5 days per week

DEPARTMENT OF FINANCE

03	Pre-Audit Clerk II	2	4 days per month, 2 days in each pay period, on the 5th and 6th working days before payday (both positions)
03	Pre-Audit Clerk III	3	

COUNTY OF HAWAII

DEPARTMENT OF PARKS AND RECREATION

03	Clerk-Steno	1	M-F; 8 hours/day
13	I and R Specialist	1	M-F; 8 hours/day
03	Community Service Aide I	7	M-F; 8 hours/day (1 per district)
03	Clerk-Steno	1	Standby
03	Asst. Account Clerk	1	M-F, 8 hours/day
03	Community Serv. Aide II	1	M-F, 8 hours/day

OFFICE OF HOUSING AND COMMUNITY DEVELOPMENT

13	Housing Specialist	1	8 hours per day, 5 days per week
13	Housing Counselors	2	8 hours per day, 5 days per week
13	Accountant II	1	8 hours per day, 5 days per week

DEPARTMENT OF FINANCE

03	Data Entry Clerk-Operator	1	8 hours per day, 5 days per week
03	Data Entry Clerk	1	8 hours/day for 10 working days following first payday after strike

COUNTY OF MAUI

DEPARTMENT OF HUMAN CONCERNS

13	Elderly Nutrition Director	1	8 hours per day, 5 days per week
13	Senior Citizens Program Specialist I	2	8 hours per day, 5 days per week

Housing Division

Section 8

13	Housing Program Specialist I	2	M-F, 8 hours/day
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COUNTY OF KAUAI

OFFICE OF ELDERLY AFFAIRS

03	Secretary - Incumbent Carol Chu	1	Regular hours
13	I & R Supervisor - Incumbent L. Kealoha Takahashi	1	Regular hours
03	Community Service Aide	7	Regular hours

Public Housing Agency

13	Program Manager - Incumbent Fred Holthaus	1	Regular hours
03	Counselor/Interview Supervisor - Incumbent Helen Brun	1	Regular hours
03	Bookkeeper - Incumbent Leila Nishida	1	Regular hours

POLICE DEPARTMENT

Services and Technical Division

03	Personnel/Senior Account Clerk	1	5 days per month; regular hours, plus standby Regular hours, Mon & Fri, plus standby
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03	Accountant II	1	
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DEPARTMENT OF PUBLIC WORKS

Administration Division

03	Accountant II	1	Regular hours
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GENERAL ORDERS

The Board further orders the following in the event of a strike by Units 1, 2, 3, 4, 9 and 13 employees:

1. The class or position titles identified in the foregoing portion of the order are designated as essential positions.

2. Any or all incumbents in the essential positions may be designated by the respective Employer as essential employees. Each incumbent, in an essential position, regardless of designation as an essential employee, shall notify the Employer of his or her current residence and mailing addresses and telephone number prior to the onset of a strike by Units 1, 2, 3, 4, 9 and 13 employees. The Employer shall inform incumbents in essential positions that they may be designated as essential employees and that they are required to supply this information.

3. The Employer shall designate employees to fill essential positions. Each Employer shall give notice to an essential employee in accordance with Subsection 89-12(c)(2), HRS. It is the duty and responsibility of the essential employee to contact the Employer for his or her work assignment. This duty continues throughout the duration of any strike.

Essential employees required to be on-call shall keep the respective Employer apprised of his or her location during the on-call period to facilitate notification to report to work when the need arises. If no specific on-call period is stated,

the position shall be deemed to be on-call 24 hours per day, and 7 days per week.

Essential employees required to be on standby duty shall respond to requests for work when notified by the Employer. These employees must be available and shall provide the necessary telephone numbers and locations where they can be reached when needed. If no specific standby period is stated, the position shall be deemed to be on standby 24 hours per day, and 7 days per week.

4. An essential employee shall report to work as directed by each Employer, unless the absence is excused due to illness or other bona fide reason. In order to determine the validity of such reasons, the essential employee shall submit a written statement of reasons to the Employer. In the event an absence is based upon a medical disability, a statement from a physician shall be submitted to the Employer on a form provided by the Employer. The absence of an essential employee from assigned work without a bona fide reason may be deemed a violation of this order and deemed to constitute unlawful participation in a strike under Subsection 89-12(a), HRS.

5. If an essential employee does not report to work as directed and there are additional incumbents to fill an essential position, the Employer shall designate another incumbent to perform such work. The Employer may notify such employee by whatever means practicable, including by telephone contact, to ensure the delivery of essential services.

If the Employer is unable to fill the essential position with an incumbent, the Employer may assign other employees who are capable of satisfactorily performing the functions, duties and responsibilities of the essential position, and shall notify the Board accordingly.

6. In the assignment of incumbents or other employees to essential positions, the Employer shall refrain from assigning persons designated as picket line captains, stewards, negotiation team members and Union Board of Directors members unless there are no other employees capable of satisfactorily performing the functions, duties and responsibilities of the essential positions.

Respondents shall furnish the respective Employers with the names of picket line captains, stewards, negotiation team members and Board of Directors members within 24 hours of the issuance of this order designating essential positions.

7. The Union shall be responsible for taking all necessary steps to ensure that essential services required by this order are performed without interruption, slowdown, sick-out or other forms of interference.

8. To minimize confusion in communications between the parties, the Employer and the Union shall each designate one overall coordinator to be contacted. The coordinator shall be responsible for maintaining essential services and implementing any order issued by the Board at the close of this proceeding or during a strike. Prior to the onset of any strike, each party shall notify the other and this Board, in writing, of the

coordinator with his or her current address and business and residence telephone numbers at least 24 hours before the onset of a strike.

9. Employer may designate one entrance to every worksite having multiple entrances specifically to permit uninhibited ingress and egress by employees in positions designated as essential by the Board, and private employees only. The Employer shall notify the Union that these designated entrances shall be free of any pickets. Should the Employer fail to monitor the designated entrances and access is permitted to other than essential and private employees, the entrances may be lawfully picketed.

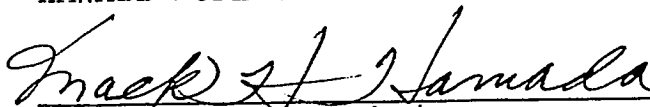
Worksites, building or facilities which have only one entrance may be picketed, but persons on the picket lines shall permit anyone to cross the picket lines.

10. To ensure the health or safety of the public, all picket lines of Units 1, 2, 3, 4, 9 and 13 employees shall be supervised by an on-site picket line captain designated by the Union. The Union shall provide the Employer with a list of picket line captains at all picket lines prior to the onset of any strike which shall contain the addresses and telephone numbers of those designated. The picket line captain and ultimately, the Union, shall share the responsibility to ensure that picketing is conducted in a lawful manner. Pickets must permit ingress and egress to all persons. Responsibility for ensuring uninhibited ingress and egress worksites rests with the Union.

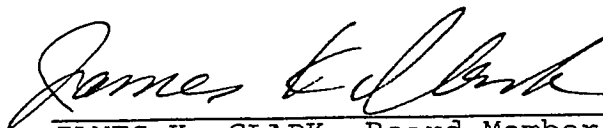
This order may be amended by the Board. Any questions of interpretation of this order shall be brought to the immediate attention of this Board.

DATED: Honolulu, Hawaii, February 19, 1984.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD



MACK H. HAMADA, Chairperson



JAMES K. CLARK, Board Member



JAMES R. CARRAS, Board Member

Copies sent to:

Hawaii Government Employees' Association
Melvin Higa
United Public Workers
James King, Esq.
Charleen M. Aina, Esq.
Michael K. Abe, Esq.
Patricia K. O'Toole, Esq.
Lee Ohigashi, Esq.
Warren Perry, Esq.
Joyce Najita, IRC