

STATE OF HAWAII

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of	)	CASE NOS.:	S-01-21a
	)		S-02-21b
GEORGE R. ARIYOSHI, Governor,	)		S-03-21c
State of Hawaii; EILEEN R.	)		S-04-21d
ANDERSON, Mayor, City and	)		S-09-21e
County of Honolulu; HERBERT T.	)		S-10-21f
MATAYOSHI, Mayor, County of	)		S-13-21g
Hawaii; HANNIBAL TAVARES,)		
Mayor, County of Maui; and)		
TONY T. KUNIMURA, Mayor,	)	DECISION NO. 190	
County of Kauai,)		
)		
Petitioners,)		
)		
and)		
)		
HAWAII GOVERNMENT EMPLOYEES)		
ASSOCIATION, AFSCME LOCAL 152,)		
AFL-CIO, and UNITED PUBLIC)		
WORKERS, AFSCME, LOCAL 646,)		
AFL-CIO,)		
)		
Exclusive)		
Representatives.)		

ERRATA

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

STATE OF HAWAII

DEPARTMENT OF SOCIAL SERVICES AND HOUSING

Corrections Division

1. Maui Community Correctional Center

Food Service (Page 35)

Error:

01 Cook II 2 7 days/week;
5:00pm/7:00pm

Correction:

01 Cook II 2 7 days/week;
5:00am-7:00pm

2. DEPARTMENT OF BUDGET AND FINANCE

Office of the Public Defender

Investigative Services (Page 42)

Delete:

23 Sup. Public Defender 1 Regular hours
Investigator

COUNTY OF KAUAI

3. POLICE DEPARTMENT (Page 50)

Delete:

03 Radio Dispatcher I 2 M-F; 8 hours/day

4. POLICE DEPARTMENT (Page 50)

Delete:

01 Automotive Mechanic I 1 M-F; 8 hours/day

5. FIRE DEPARTMENT (Page 50)

Delete:

01 Fire Equipment Mechanic 1 Standby

DATED: Honolulu, Hawaii, February 21, 1984.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD



MACK H. HAMADA, Chairperson

GEORGE R. ARIYOSHI, ET AL. v. HAWAII GOVERNMENT EMPLOYEES ASSOCIA-
TION, ET AL.; CASE NOS.: S-01-21a, S-02-21b, S-03-21c,
S-04-21d, S-09-21e, S-10-21f, S-13-21g
DECISION NO. 190

ERRATA



JAMES R. CARRAS, Board Member

Copies sent to:

Charleen M. Aina, Deputy Attorney General
Michael K. Abe, Deputy Corporation Counsel
Patricia K. O'Toole, Deputy Corporation Counsel
Lee Ohigashi, Deputy Corporation Counsel
Warren Perry, Second Deputy County Attorney
Melvin Higa, Hawaii Government Employees Association
James A. King, Esq.
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HAWAII GOVERNMENT EMPLOYEES)		
ASSOCIATION, AFSCME LOCAL)		
152, AFL-CIO, and UNITED)		
PUBLIC WORKERS, AFSCME, LOCAL)		
646,)		
)		
Exclusive)		
Representatives.)		

AMENDED GENERAL ORDERS

The Board further orders the following in the event of a strike by Units 1, 2, 3, 4, 9, 10 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, 10 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 TAVARES, Mayor, County of Maui, TONY T. KUNIMURA, Mayor, County of Kauai and UNITED PUBLIC WORKERS, AFSCME, LOCAL 646; and HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME LOCAL 152, AFL-CIO
CASE NOS.: S-01-21a, S-02-21b, S-03-21c, S-04-21d, S-09-21e, S-10-21f, S-13-21g

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PUBLIC WORKERS, AFSCME, LOCAL)		
646, AFL-CIO,)		
)		
Exclusive)		
Representatives.)		

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDERS

On February 2, 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 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 About to Occur Endangering Public Health or Safety, with the Hawaii Public Employment Relations Board [hereinafter referred to as Board]. The Employers petitioned this Board to conduct an investigation pursuant to Section 89-12, Hawaii

Revised Statutes [hereinafter referred to as HRS], to determine whether a strike by employees in various bargaining units 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. The bargaining units included in this petition are Unit 1, (Nonsupervisory employees in blue collar positions), Unit 2 (Supervisory employees in blue collar positions), Unit 3 (Non-supervisory employees in white collar positions), Unit 4 (Supervisory employees in white collar positions), Unit 9 (Registered professional nurses), Unit 10 (Nonprofessional hospital and institutional workers), and Unit 13 (Professional and scientific employees, other than registered professional nurses).

The Employers allege that a strike by these employees would present an imminent and present danger to the public's health or safety. Thus, it seeks the designation of those positions described in its petition, affidavits and exhibits as essential, whose incumbents must be precluded from participating in any strike. The Employers also urge the Board to adopt specified requirements which they believe must be complied with to remove or avoid such danger.

An investigation on this petition was conducted by the Board on February 9, 10, 11, 13, 14, 15, and 17, 1984. All parties were represented and participated in the investigation. Oral arguments were presented during the investigation. Based upon the entire record developed during the subject investigation, the Board makes the following findings of fact, conclusions of law, and orders.

FINDINGS OF FACT

Petitioner GEORGE R. ARIYOSHI is and was, for all times relevant, Governor of the State of Hawaii and a public employer within the meaning of Subsection 89-2(9), HRS.

Petitioner EILEEN R. ANDERSON is and was, for all times relevant, Mayor of the City and County of Honolulu and a public employer within the meaning of Subsection 89-2(9), HRS, of employees of the City and County of Honolulu.

Petitioner HERBERT T. MATAYOSHI is and was, for all times relevant, Mayor of the County of Hawaii and a public employer within the meaning of Subsection 89-2(9), HRS, of employees of the County of Hawaii.

Petitioner HANNIBAL TAVARES is and was, for all times relevant, Mayor of the County of Maui and a public employer within the meaning of Subsection 89-2(9), HRS, of employees of the County of Maui.

Petitioner TONY KUNIMURA is and was, for all times relevant, Mayor of the County of Kauai and a public employer within the meaning of Subsection 89-2(9), HRS, of employees of the County of Kauai.

Respondent UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO [hereinafter referred to as UPW] is the exclusive representative, as defined in Subsection 89-2(12), HRS, of all State and County employees in collective bargaining units 1 and 10.

Respondent HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME LOCAL 152, AFL-CIO, [hereinafter referred to as HGEA] is the exclusive representative, as defined in Subsection 89-2(12),

HRS, of all State and County employees in collective bargaining units 2, 3, 4, 9, and 13.

Negotiations for a new contract commenced on September 22, 1982 for those units represented by HGEA. On April 8, 1983, HGEA filed a Notice of Impasse and Request for Assistance 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, however, failed to resolve the dispute and on June 15, 1983 a fact-finding panel was appointed by the Board pursuant to Subsection 89-11(b) (2), HRS, to review the remaining issues and to make recommendations for the resolution of the dispute. The Report of the Fact-Finding Board was filed on June 27, 1983. The report was accepted in part and rejected in part by both parties. Thereafter, HPERB made the fact-finding board's report public on July 5, 1983. More than sixty days have elapsed since the fact-finding board's report was made public.

On February 9, 1984, Respondent HGEA filed a Notice of Intent to Strike with this Board for each of Units 2, 3, 4, 9 and 13. The notices were substantively identical and stated:

NOTICE OF INTENT TO STRIKE

Pursuant to the provisions of Section 89-12(b), HRS, the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO, on behalf of Unit 03, as its exclusive representative as certified by the Hawaii Public Employment Relations Board, 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 herewith gives notice to the Board and Employer of the intent of the Employees of the Unit to strike on or after February 22, 1984 if a satisfactory agreement is not negotiated before that date.

None of the notices declaring Respondent HGEA's intention to strike has been rescinded or revoked.

Negotiations for a new contract for Unit 1 employees commenced on September 8, 1982. On April 22, 1983, UPW filed a Notice of Impasse with this Board. On June 7, 1983, the Board issued a Notice of Finding of Impasse and Appointment of a Mediator, declaring that an impasse existed in the negotiations for a new Unit 1 agreement and appointing a mediator to assist the parties. Mediation, however, failed to resolve the dispute and a fact-finding panel was appointed by the Board pursuant to Subsection 89-11(b)(2), HRS, to review the remaining issues and to make recommendations for the resolution of the dispute. The Report of the Fact-Finding Board was filed on July 7, 1983. The report was accepted in part and rejected in part by the Employer. The Union rejected the report in its entirety. Both parties rejected referring the unresolved issues to final and binding arbitration. Thereafter, HPERB made the fact-finding board's report public on July 14, 1983. More than sixty days have elapsed since the fact-finding board's report was made public.

On February 9, 1984, Respondent UPW filed a Notice of Intent to Strike with this Board for Unit 1 stating:

NOTICE OF INTENT TO STRIKE

Pursuant to the provisions of Section 89-12(b), HRS, the United Public Workers, AFSCME, Local 646, AFL-CIO, on behalf of Unit 1, as its exclusive representative as certified by the Hawaii Public Employment Relations Board, affirm 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. sixty (60) days have elapsed since the fact-finding board made public its findings and recommendations;

and herewith give notice to the Board and Employer of the intent of the Employees of the Unit to strike on or after February 22, 1984 if a satisfactory agreement is not negotiated before that date.

This notice of Respondent UPW's intention to strike has not been rescinded or revoked.

Negotiations for a new contract for Unit 10 employees commenced on September 9, 1982. On April 22, 1983, UPW filed a Notice of Impasse with this Board. On July 5, 1983 the Board declared that an impasse existed and issued a Notice of Finding of Impasse and Appointment of a Mediator. Mediation, however, failed to resolve the dispute. Thereafter, on July 25, 1983, the Board appointed a fact-finding panel, pursuant to Subsection 89-11(b)(2), HRS, to review the remaining issues and to make recommendations for resolution of the dispute. The Report of the Fact-Finding Board was filed on August 4, 1983. While the report was accepted in part and rejected in part by the Employer, the Union rejected the report. Both parties rejected referring the unresolved issues to final and binding arbitration. Thereafter, HPERB made the fact-finding board's report public on August 12, 1983. More than sixty days have elapsed since the fact-finding board's report was made public.

On February 9, 1984, Respondent UPW filed a Notice of Intent to Strike with this Board for Unit 10 stating:

NOTICE OF INTENT TO STRIKE

Pursuant to the provisions of Section 89-12(b), HRS, the United Public Workers, AFSCME, Local 646, AFL-CIO, on behalf of Unit 10, as its exclusive representative as certified by the Hawaii Public Employment Relations Board, affirm 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. sixty (60) days have elapsed since the fact-finding board made public its findings and recommendations;

and herewith give notice to the Board and Employer of the intent of the Employees of the Unit to strike on or after February 22, 1984 if a satisfactory agreement is not negotiated before that date.

This notice of Respondent UPW's intention to strike has not been rescinded or revoked.

The Employers presented this Board with a voluminous record to substantiate the allegations set forth in their petition in which they requested that a number of Units 1, 2, 3, 4, 9, 10, and 13 employees be required to work during any strike because allegedly, if the employees do not perform their usual work or are not available to work during emergencies, such a strike would present an imminent or present danger to the health and safety of the public.

The case presented by the Employers has convinced this Board that the withholding of a number of services during any strike by these employees will create an imminent or present danger to the health and safety of the public.

Specific findings follow:

STATE OF HAWAII

JUDICIARY

The State of Hawaii, through the Judiciary, operates the State court system. The court system includes the District Courts of the First, Second, Third, and Fifth Circuits; the Circuit Courts of the First, Second, Third, and Fifth Circuits, and the Family Courts. In addition, the Judiciary operates Hale Ho'omaluu.

The court system provides, inter alia, initial arraignments, preliminary hearings, and trials for those persons accused of committing a crime. These criminal defendants are entitled to a speedy trial by constitutional mandate. (United States Constitution, Amendment VI; Hawaii Constitution, Article I, § 14) If deprived of such right, the criminal charges against the accused may be dismissed without proper processing through the criminal justice system.

The Employer has asked that Units 3, 4 and 13 employees be required to perform support services so that the criminal courts can continue to function, and the accused can be brought to a speedy trial.

As the right to a speedy trial is mandated by constitution, the Board finds that the complete withdrawal of court services impinges upon this right, thus creating an immediate and present danger to the health and safety of the public.

Further, the Board finds that those persons charged with committing serious traffic offenses such as driving while

intoxicated, leaving the scene of an accident, or reckless driving, should be adjudicated without undue delay. Thus, the Board finds that any interruption in court services which would hinder the expeditious processing of criminal cases and serious traffic offenses, would pose an immediate and present danger to the health and safety of the public. The Board has set forth staffing requirements in the order herein which must be complied with to remove this danger.

The Adult Probation Division is responsible for conducting investigations, providing case histories, evaluations, and reports to the court for pre-sentencing, and monitoring convicted persons sentenced to probation. The Employer has requested Units 3 and 13 employees be deemed essential to perform these functions.

The Board finds that these persons perform duties which are necessary to the criminal justice process and thus impact on public health and safety. Therefore, the Board has established staffing requirements in its order so that this division can continue to provide such services to the court system.

The Estate and Guardianship Section of the Circuit Court administers small estates and guardianships. This section receives income for persons protected under guardianship, holds such monies, and periodically disburses payments to such persons for necessities of life. The Board finds that the withholding of these services would create a detrimental impact upon their health and safety.

The Judiciary also operates the Family Court System which deals with a variety of matters pertaining to juveniles. These matters include custody determinations, protection of children being abused, neglected or in danger of being abused or neglected, termination of parental rights, and adjudication of cases involving juveniles accused of criminal activity. In addition, civil commitment proceedings are held in Family Court for the commitment of persons determined to be a threat to themselves or the public, due primarily to mental disturbance.

The Employer has requested that this Board declare several Units 3 and 13 positions essential to ensure that these services remain uninterrupted.

The Family Court also maintains and operates Hale Ho'omaluu, a temporary holding facility for juveniles awaiting court disposition. Hale Ho'omaluu has a daily average head count of approximately 45 detainees.

The Employer has requested that several positions from Units 1, 9, and 10 be deemed essential to continue its operation of this facility. These employees provide meals, medical services and security for the juveniles at Hale Ho'omaluu.

The Board hereby finds that cessation of these services would create an immediate and present danger to health and safety of the detainees and consequently to the public. The Board's order reflects this finding.

DEPARTMENT OF SOCIAL SERVICES AND HOUSING

Corrections Division

The State of Hawaii, through the Corrections Division of the Department of Social Services and Housing, operates and maintains a statewide correctional system for the confinement of persons convicted of crimes or awaiting trial. This system is comprised of eight (8) facilities. The Halawa High Security Facility, Hawaii Youth Correctional Facility, Oahu Community Correctional Center, and the Women's Facility are located on Oahu. The Hawaii Community Correctional Center (HCCC) and Kulani Correctional Facility (KCF) are located on Hawaii. The Kauai Community Correctional Center (KCCC) and Maui Community Correctional Center (MCCC) are located on Kauai and Maui, respectively. Approximately 1,500 inmates and 70 wards are confined at these eight facilities.

Each correctional facility is a complex integrated unit. These facilities operate twenty-four hours a day and seven days per week throughout the year. Employees in those units named in this petition provide a variety of services including meals preparation, medical services, security, maintenance work and laundry service. The Board finds that a complete withdrawal of these services during a strike would cause an imminent or present danger to the health and safety of the inmates present in the facilities and to the community at large. Consequently, the staffing requirements set forth in the order herein must be met in order to avoid or remove this danger to health and safety.

State Intake Service Centers

The State of Hawaii, through its Intake Service Centers provide services utilized by the police, the prosecutors, the courts, and the corrections system including the Hawaii Paroling Authority, in different phases of the criminal justice process.

The State Intake Service Centers consist of four operational branches and a central office component, namely, the Hawaii Intake Service Center, Kauai Intake Service Center, Maui Intake Service Center, Oahu Intake Service Center, and the Central Office.

Personnel in these five component offices conduct pre-trial and pre-sentence investigations of offenders, provide direct supervision of pre-trial offenders, and provide screening and assessment of detainees. Additionally, they provide supervision and program services to offenders in the community as ordered by the courts. The Board finds that the cessation of these services would pose an imminent or present danger to the health and safety of pre-trial detainees present in the facilities and to the community in general. Therefore, the Board has established staffing requirements in its order to avoid this danger to health and safety.

DEPARTMENT OF ATTORNEY GENERAL

State Law Enforcement Office

The State Law Enforcement Office provides security for the State Capitol complex and other governmental buildings. In addition, this office provides protection for State government officials and their families, State employees, the legislature

and their staff at the Capitol complex, and the public visiting the Capitol complex. The Board finds that the interruption of these services would present an imminent danger to the health and safety of the public. The Board's order reflects this finding.

Hawaii Criminal Justice Data Center

The Hawaii Criminal Justice Data Center is responsible for the collection, storage, dissemination, and analysis of all pertinent criminal justice data from all criminal justice agencies. The information is used by various criminal justice agencies in Hawaii, including the police, prosecutors, parole board, and probation office.

Employer has requested that four Unit 3 members and six Unit 13 members be designated as essential for the office's continued operation.

While the Board recognizes that the Hawaii Criminal Justice Data Center collects, organizes, and stores important historical data which is useful for various purposes, the Board find that the withdrawal of services by these employees do not present an imminent or present danger to the health and safety of the public. Therefore, the Board declines to designate any Unit 13 members as essential. The Board's order herein reflects this finding.

Office of the Attorney General

The Attorney General is the chief law enforcement officer of the State. The Office of the Attorney General performs, inter alia, the handling of child abuse and neglect cases, and the processing of involuntary civil commitments. The

Board finds that the withdrawal of services by those Unit 3 members in these divisions would present an imminent or present danger to the health and safety of the public. Thus, the Board has established staffing requirements which must be met so that these divisions can continue to function at a minimum level.

DEPARTMENT OF BUDGET AND FINANCE

Office of the Public Defender

The Office of the Public Defender furnishes legal counsel for those persons who are accused of crimes and who are financially unable to secure private counsel. Failure to provide counsel for such persons presents the probability that those charges against them will be dismissed and the accused therefore released. The Employer has petitioned this Board for the services of employees in Units 3 and 13 as essential so that its office can continue to provide these necessary services to the public. The Board finds that the cessation of these services would present an imminent and present danger to the health and safety of the public and that staffing requirements set forth in its order must be met to remove this danger.

DEPARTMENT OF DEFENSE

The State of Hawaii, through the Department of Defense, maintains the Hawaii Army National Guard and the State Civil Defense Program.

The State Civil Defense Program operates to warn the public of natural and man-made disasters. To accomplish this, the Civil Defense Division plans, programs, and budgets for the necessary resources, coordinates the activities of the four

County Civil Defense Agencies and administers the comprehensive cooperative agreement the State has with the Federal Emergency Management Agency.

The Board finds that complete withdrawal of these services would endanger the public's health and safety. Thus, staffing requirements have been established in the order herein.

The Department of Defense also maintains facilities containing weapons, ammunition storage tunnels, unit armories and emergency operating centers. Security services are maintained at these locations to prevent unauthorized access and possession of these equipment and supplies by unauthorized persons, and to prevent destruction of equipment which would hamper disaster response and civil defense operations. The Board finds that these services must continue to prevent endangering the public health and safety. The Board's order reflects this finding.

DEPARTMENT OF LAND AND NATURAL RESOURCES

The Department of Land and Natural Resources (DLNR) maintains State parks, beaches, forests, and watersheds on Oahu, Hawaii, Kauai, Maui, Molokai and Lanai. Security for these areas is included in such maintenance. Testimony indicated that it is customary for the county police departments to call DLNR's Enforcement Division to investigate illegal activities occurring upon State lands, especially in higher elevation areas where police officers will not investigate. In addition, these employees prevent violation of conservation laws and supplement the neighbor island's law enforcement program. The Board finds that the withdrawal of these services by Units 3 and 4 members

would present an immediate and present danger to the health and safety of the public. The Board's order reflects this finding.

CITY AND COUNTY OF HONOLULU

Like the State of Hawaii, the City and County of Honolulu provides a wide spectrum of direct and indirect services devoted to the maintenance of public security, including services provided by employees in Units 1, 3, 4, and 13. These services include support for the police and fire departments, civil defense system, and the office of the Prosecuting Attorney.

Honolulu Police Department

The employer has requested this Board to designate employees from Units 1, 2, 3, and 13 so that the Honolulu Police Department can provide uninterrupted service to the public. These employees provide services in the Communications, Radio Maintenance, Records and Identification, and Vehicle Maintenance divisions of the Honolulu Police Department.

The Board hereby finds that the cessation of these services would have a detrimental impact upon the Honolulu Police Department and therefore affect its ability to serve the public. This would certainly endanger the public's health and safety. To remove this danger, the Board has established staffing requirements in its order herein.

Honolulu Fire Department

The Employer has requested that five employees from Units 1, 4, and 13 be designated as essential so that its operations can continue during any strike. These employees

provide services in the department's Maintenance and Radio Shops. The primary functions of the Maintenance Shop are to repair and maintain the department's rescue boats, trucks, emergency vehicles and firefighting apparatus and equipment for all thirty-nine (39) fire stations on Oahu. Employees in the Radio Shop are responsible for repairing and maintaining radio equipment and fire equipment for all fire stations.

The Board finds that the withholding of these services would have a detrimental impact on the fire department and consequently, on its ability to serve the public, thus endangering its health and safety. Therefore, the Board has set forth staffing requirements which must be met to minimize this danger.

Department of Data Systems

The Department of Data Systems operates and maintains a centralized computer facility to provide data processing services for various agencies and departments in the City and County of Honolulu. One of the facility's primary functions is operating an automated information storage and retrieval system which supports the city's emergency units, i.e., the Honolulu Police Department, Honolulu Fire Department and Emergency Ambulance Service.

The Employer has requested that several Unit 3 employees be designated as essential so that the computer system can remain operational.

The Board finds that the cessation of these services would endanger the health and safety of the public and

accordingly, has established staffing requirements in its order herein to remove this danger.

Oahu Civil Defense Agency

The Oahu Civil Defense Agency is responsible for maintaining a readiness system for the protection of the public should a natural or man-made disaster occur. To ensure that residents of Oahu can be properly alerted and to appropriately mitigate disaster, Employer has requested that some Unit 13 employees be designated as essential.

The Board finds that should these Unit 13 employees' services be withdrawn, then the public's health and safety would be endangered. To mitigate this possibility, the Board has established appropriate staffing requirements in its order herein.

Department of the Prosecuting Attorney

The Department of the Prosecuting Attorney directs all prosecutions for the City and County of Honolulu.

The Department is organized into ten divisions: Administration, Screening-Intake, District and Family Court Prosecution, Circuit Court Prosecution, Career Criminal Prosecution, Appellate, Victim/Witness Kokua Service, Law Library, Investigation, and Organized Crime Strike Force.

The Employer has requested that employees from Units 3, 4, and 13 be designated as essential so that their services can continue uninterrupted.

The Screening-Intake Division is staffed with eight attorneys and two Unit 3 members. The primary function of this

division is to advise the police, review all cases referred by the police, present cases at preliminary hearings, and present cases to the grand jury. This division processes over 2,500 cases per year, with approximately 750 cases involving preliminary hearings.

As this division determines which cases are prosecuted, the Board finds that these two Unit 3 members provide services which are necessary to ensure its operation. Cessation of these services would pose an immediate and present danger to the health and safety of the public. The Board's order reflects this finding.

The Career Criminal Unit prosecutes all career criminals or repeat offenders, as defined by statute. This division operates on a vertical prosecution system and thus handles a case from its inception until disposition. The Unit 3 members in this division are not included in the office's clerical pool.

The Board finds that the services of the clerical staff, as requested by the Employer, are necessary to continue the prosecution of career criminals, and thus protect the health and safety of the public.

The District and Family Court Division handles misdemeanor and traffic cases for District Court and all misdemeanor and felony cases for Family Court. At present, this division is staffed with fourteen Unit 3 members and one Unit 4 member.

The Board hereby finds that seven Unit 3 members are necessary to ensure continued operation of this division and prevent any danger to the health and safety of the public.

The Circuit Court Division prosecutes all felony cases and those misdemeanor cases which demand jury trials. The Employer has asked this Board to designate seventeen Unit 3 members and one Unit 4 member in this division as essential.

The Board finds that nine Unit 3 members are necessary to ensure the continued operation of this division and thus remove any danger to the health and safety of the public. The Board's order reflects this finding.

The Investigation Division consists of nine investigators and a clerk stenographer, whose primary function is to provide follow-up investigations in support of the prosecution function and to provide support for the grand jury function.

Employer has requested that this Board designate their full complement of nine investigators as essential.

The Board hereby finds that four investigators are necessary to ensure this division's continued operation and thus remove any danger to the health and safety of the public. The Board's order herein reflects this finding.

The Administration is staffed primarily by the Prosecuting Attorney, the First Deputy and the Special Assistant, along with two secretaries, a clerk, an accountant and a personnel officer.

Employer and HGEA have agreed that the clerk provides services necessary for this division's continued operation. The Board hereby finds that this position is necessary, and this finding is reflected in the order herein.

The Victim/Witness Kokua Service division's primary function is to provide victim/witness support, assist the prosecuting attorneys, and interview all misdemeanor victims for penal complaint purposes. The division also provides counseling services and protection from violence via restraining orders against violent suspects that may be spouses, friends or family members of the victims. This divisions has a staff of sixteen plus a handful of volunteer workers.

The Employer has requested that eleven Unit 13 members and three Unit 3 members be designated as essential.

The Board hereby finds that five Unit 13 members and one Unit 3 member is necessary to ensure the continued operation of this division and thus remove any danger to the health and safety of the public. Therefore, the Board has established staffing requirements in its order herein which must be complied with for public health and safety.

The Board also finds that those positions in the Building/Code Reception Section, Organized Crime Strike Force and the Library division are not essential at this time. The Board's orders herein reflects these findings.

OTHER COUNTIES

The County of Hawaii, County of Maui and County of Kauai provide a wide spectrum of direct and indirect public security services to its residents. These services include supporting the functions of the police and fire departments,

maintaining an adequate civil defense system, and supporting the efforts of the county prosecuting attorney.

Employees in Units 1, 3, 4, and 13 employed by these counties perform other work essential to public health or safety. Some of these tasks must be performed on a full-time basis while others may be adequately satisfied if employees are available on a standby basis. The Board's orders herein reflect the staffing necessary by Units 1, 3, 4, and 13 employees to perform the following tasks in order to remove danger to public health or safety: operating and maintaining police department communication equipment and systems, collecting and storing evidence from crime scenes, operating and maintaining fire department communication equipment and systems, maintaining firefighting vehicles and equipment, operating and maintaining civil defense systems, and staffing the county prosecutor's office.

The Board finds that the total withdrawal of these services during a strike by Units 1, 2, 3, 4, 9, 10, and 13 employees would present an imminent or present danger to the health and safety of the community and that the staffing requirements set forth in the orders herein must be met in order to remove such danger.

CONCLUSIONS OF LAW

The Board has jurisdiction of 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.

Such assertion of jurisdiction is proper and necessary given the overwhelming amount of material the Employers presented in support of their petitions. As stated in previous Board decisions,

This Board is not required to sit passively by and wait for a strike to occur before it can reasonably conclude that a . . . strike poses the kind of danger Subsection 89-12(c) was designed to remove or avoid.

Ariyoshi, et al., v. United Public Workers,
2 HPERB 337 (1979).

The Board further concludes that a strike by Units 1, 2, 3, 4, 9, 10, and 13 employees is about to occur, and that the withholding during said strike of the Units 1, 2, 3, 4, 9, 10, and 13 services which are the subject of these findings will create an imminent or present danger to the health and safety of the public.

The performance of the services herein found to be essential to remove such danger must be performed by Units 1, 2, 3, 4, 9, 10, and 13 incumbents of the job titles or positions listed in the orders. The Board finds the Respondents'

suggestions that private contractors or scabs or persons in wholly unrelated classifications should perform the essential services to be unrealistic and wholly divorced from the realities of the tensions and pressures which exist in a strike.

In the Staffing Orders which follows, the Board has set forth 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, 10 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 during a strike to cover events which may occur in the future.

ORDERS

Based therefore 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, 10, and 13 employees in accordance with the schedule provided.

STAFFING ORDERS

<u>BU & CLASS TITLE</u>	<u>NO. REQUIRED</u>	<u>WHEN REQUIRED</u>
<u>STATE OF HAWAII</u>		
<u>JUDICIARY</u>		
<u>Supreme Court</u>		
03 Supreme Court Clerk	1	Standby
<u>Circuit Courts</u>		
<u>First Circuit Court</u>		
<u>Legal Documents</u>		
03 Doc Rec Clerk	1	M-F; regular hours
03 Court Clerk I	5	M-F; regular hours
<u>Estates and Guardianship</u>		
03 Estate & Guardianship Clerk	1	M-F; regular hours
<u>Judicial Services</u>		
03 Circuit Court Clerk	11	M-F; regular hours
<u>Court Reporters</u>		
03 Court Reporter	9	M-F; regular hours
04 Court Administrator III	1	M-F; regular hours
<u>Fiscal Branch</u>		
04 Circuit Court Cashier	2	M-F; regular hours
03 Cashier II	3	M-F; regular hours
<u>Jury Pool</u>		
03 Court Clerk II	1	M-F; regular hours
<u>Adult Probation</u>		
13 Social Worker IV	4	M-F; regular hours

13	Social Worker III	2	M-F; regular hours
03	Clerk Steno III	4	M-F; regular hours

Second Circuit Court

13	Court Administrator II	1	M-F; regular hours
13	Social Worker VII	1	M-F; regular hours
04	Court Fiscal Officer V	1	M-F; regular hours
03	Court Documents Clerk	1	M-F; regular hours
03	Administrative Assistant I	1	M-F; regular hours
03	Court Reporter	1	M-F; regular hours
03	Clerk Typist II	1	M-F; regular hours

Third Circuit Court

13	Court Administrator III	1	M-F; regular hours
13	Social Worker VII	1	M-F; regular hours
04	Court Fiscal Officer V	1	M-F; regular hours
03	Court Clerk I	1	M-F; regular hours
03	Administrative Assistant I	1	M-F; regular hours
03	Court Documents Clerk	1	M-F; regular hours
03	Court Reporter	1	M-F; regular hours

Fifth Court

13	Court Administrator III	1	M-F; regular hours
13	Social Worker VII	1	M-F; regular hours
03	Circuit Court Clerk	1	M-F; regular hours
03	Court Fiscal Officer IV	1	M-F; regular hours
03	Administrative Assistant I	1	M-F; regular hours
03	Court Documents Clerk	1	M-F; regular hours
03	Court Reporter	1	M-F; regular hours

Family Court

Social Services

13	Social Worker V	3	M-F; regular hours
13	Social Worker III	8	M-F; regular hours

Court Management

03	Court Documents Clerk	2	M-F; regular hours
03	Clerk Steno III	4	M-F; regular hours

Detention Services

10	Juvenile Detention Worker I	2	7 days/week; 24 hours/day; regular hours
10	Juvenile Dentention Worker II	16	7 days/week; 24 hours/day; regular hours
10	Juvenile Detention Worker III	3	7 days/week; 24 hours/day; regular hours
01	Cook II	2	7 days/week; 12 hours/day; regular hours
01	Cook III	1	7 days/week; 12 hours/day; regular hours
09	Registered Professional Nurse	1	M-F; regular hours

District Courts

First Circuit

Judicial Services (Honolulu)

13	Court Administrator III	2	M-F; regular hours
13	Court Administrator I	1	M-F; regular hours
04	Sup District Court Clerk	1	M-F; regular hours
03	Court Reporter	3	M-F; regular hours
03	District Court Clerk II	3	M-F; regular hours

03	District Court Clerk	1	M-F; regular hours
03	Clerk Typist II	4	M-F; regular hours
<u>Judicial Services (Rural Courts)</u>			
<u>Ewa</u>			
23	Court Administrator I	1	Mon, Tues, Wed; regular hours
04	Supervising District Court Clerk	1	Mon, Tues, Wed; regular hours
03	District Court Clerk II	1	Mon, Tues, Wed; regular hours
<u>Kaneohe</u>			
23	Court Administrator I	1	Wed, Thurs, Fri; regular hours
04	Supervising District Court Clerk	1	Wed, Thurs, Fri; regular hours
03	District Court Clerk II	1	Wed, Thurs, Fri; regular hours
<u>Wahiawa</u>			
23	Court Administrator I	1	Tues, Thurs; regular hours
04	Supervising District Court Clerk	1	Tues, Thurs; regular hours
03	District Court Clerk II	1	Tues, Thurs; regular hours
<u>Waialua</u>			
03	District Court Clerk II	1	Mon; regular hours
<u>Waianae</u>			
04	Supervising District Court Clerk	1	Fri; regular hours
03	District Court Clerk I	1	Fri; regular hours
<u>Fiscal Office</u>			
23	Court Fiscal Off VI	1	M-F; regular hours
03	District Court Clerk II	1	M-F; regular hours

Sheriff

03	Court Security Guard III	2	M-F; 8 hours/day
03	Court Security Guard III	3	Standby
03	Court Bailiff II	7	M-F; 8 hours/day

Facilities Maintenance

04	Facilities Manager	1	M-F; regular hours
04	Asst Facilities Manager	1	M-F; regular hours

Data Processing

03	DP Control Clerk II	1	M-F; regular hours
03	Ky Equip Op I	2	M-F; regular hours
03	Comp Op III	1	M-F; regular hours

Traffic Violations Bureau

04	Supervising District Court Clerk	1	M-F; regular hours
03	District Court Clerk II	2	M-F; regular hours
03	District Court Clerk I	1	M-F; regular hours

Interpreters

03	Cts Interp Trans II	1	Standby
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Second Circuit Court

13	Court Administrator II	1	M-F; regular hours
04	Supervising District Court Clerk	1	M-F; regular hours
03	Court Bailiff I	1	M-F; regular hours

Lahaina

03	District Court Clerk II	1	M-F; regular hours
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Lanai

03	District Court Clerk I	1	M-F; regular hours
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Makawao

03	District Court Clerk I	1	M-F; regular hours
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Molokai

03 District Court Clerk II 1 M-F; regular hours

Wailuku

03 District Court Reporter 1 M-F; regular hours

03 District Court Clerk II 1 M-F; regular hours

03 Court Baliff I 1 M-F; regular hours

Third Circuit Court

13 Court Administrator II 1 M-F; regular hours

04 Supervising District Court Clerk 1 M-F; regular hours

03 Court Baliff I 1 M-F; regular hours

Hilo

03 District Court Reporter II 2 M-F; regular hours

03 District Court Clerk II 2 M-F; regular hours

Kohala and Hamakua

03 District Court Clerk II 1 M-F; regular hours

Kona

04 Supervising District Court Clerk 1 M-F; regular hours

03 District Court Reporter II 1 M-F; regular hours

03 District Court Clerk I 2 M-F; regular hours

03 Court Baliff Asst 1 M-F; regular hours

Fifth Circuit

13 Court Administrator II 1 M-F; regular hours

03 District Court Clerk II 1 M-F; regular hours

03 District Court Clerk I 1 M-F; regular hours

03 Court Bailiff Asst 1 M-F; regular hours

DEPARTMENT OF SOCIAL SERVICES AND HOUSING

Corrections Division

Hawaii Youth Correctional Facility

Clerical Services

03	Office Manager II	1	10 days/month; regular hours (for payroll purposes only)
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Medical Services

13	Physician I	1	8 hours/week and when called
09	Registered Professional Nurse III	1	M-F, 7:45am-4:30pm and when called

Operations of Supplies, Provisions, Animal Husbandry & Maintenance

04	Inst Fac Supt IV	1	M-F, 7:45am-4:30pm and when called
02	Inst Food Mgr IV	1	M-F, 6:30am-3:00pm
01	Cook III	2	7 days/week; 6:30am-3:00pm
01	Plumber II	1	M-F, 7:45am-4:30pm and standby on weekends
01	Bldg Main Wkr II	1	M-F, 7:45am-4:30pm and standby on weekends

Secure Confinement for Juveniles (Hookipa Girls' Cottage)

10	Youth Corr Ofr IV	3	7 days/week; 24 hours/day; regular hours
10	Youth Corr Ofr III	2	7 days/week; 24 hours/day; regular hours
10	Youth Corr Ofr II	1	7 days/week; 24 hours/day; regular hours

Secure Confinement for Juveniles (Kaala Cottage)

13	Corr Supvr I	1	M-F, 7:45am-4:30pm and when called
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10	Youth Corr Ofr IV	3	7 days/week; 24 hours/day; regular hours
10	Youth Corr Ofr III	6	7 days/week; 24 hours/day; regular hours
10	Youth Corr Ofr II	2	7 days/week; 24 hours/day; regular hours

Secure Confinement for Juveniles (Olomana Cottage)

10	Youth Corr Ofr IV	4	7 days/week; 24 hours/day; regular hours
10	Youth Corr Ofr III	6	7 days/week; 24 hours/day; regular hours
10	Youth Corr Ofr II	1	7 days/week; 24 hours/day; regular hours

After-Care Services

13	Social Worker V	1	M-F, 7:45am-4:30pm and when called
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Halawa High Security Facility

Administrative Services

03	Account Clerk IV	1	10 days/month; regular hours (for payroll purposes only)
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Medical Unit

09	Reg Prof Nurse IV	1)	7 days/week;
)	6:00am-6:00pm
10	Lic Prac Nurse III	1)	
13	Physician	1		20 hours/week

Food Services

01	Cook III	3	7 days/week; 4:00am-6:00pm
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02 Inst Food Serv Mgr 1 5 days/week;
8:00am-4:00pm

Facility Support

01 Bldg Maint Wkr I 2 M-F, 8 hours/day and
standby on weekends

01 Laundry Wkr II 1 5 days/week; 8
hours/day and
standby on weekends

Security Unit

10 Adult Corr Ofr VI 4 7 days/week; 24
hours/day

10 Adult Corr Ofr V 3 7 days/week; 24
hours/day

10 Adult Corr Ofr IV 21 7 days/week; 24
hours/day

10 Adult Corr Ofr III 43 7 days/week; 24
hours/day

10 Adult Corr Ofr II 9 7 days/week; 24
hours/day

10 Adult Corr Ofr I 4 7 days/week; 24
hours/day

Kulani Correctional Facility

Administration

04 Office Manager II 1 10 days/month;
regular hours (for
payroll purposes
only)

Operations Services

02 Inst Food Svc Mgr III 1 M-F, 8 hours/day

01 Cook II 3 12 hours/day; 7
days/week

01 Gen Maint Supervisor 1 M-F, 8 hours/day and
when called

01 Auto Mechanic I 1 M-F, 8 hours/day and
standby on weekends

Security Services

10 Adult Corr Ofr VI	1	M-F, 8 hours/day and when called
10 Adult Corr Ofr V	5	24 hours/day; 7 days/week
10 Adult Corr Ofr IV	7	24 hours/day; 7 days/week
10 Adult Corr Ofr II, III	18	24 hours/day; 7 days/week

Program Services

13 Social Worker IV	1	M-F, 8 hours/day
13 Physician I	.5	Regular weekly visits to facility; and when called

Women's Facility

Inmate Accounts and Personal Records

03 Clerk Stenographer II	1	10 days/month; regular hours (for payroll purposes only)
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Secure Confinement

10 Adult Corr Ofr IV	3	7 days/week; 24 hours/day
10 Adult Corr Ofr III	20	7 days/week; 24 hours/day

Inmate Management and Treatment

13 Corr Supv I	1	5 days/week; Sun-Thurs; 8:00am-4:45pm
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Hawaii Community Correctional Center

Administrative Services

03 Account Clerk IV	1	10 days/month; regular hours (for payroll purposes only)
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Operations - Food Services

02	Inst Food Svc Mgr II	1	5 days/week; 8 hours/day; 5:00am-1:00pm
01	Cook II	1	5 days/week; 8 hours/day; 9:00am-5:00pm*

*5:00am-1:00pm on Institution Food Service Manager II's days off.

Operations - Facility Maintenance

01	Bldg Maint Wkr I	1	5 days/week; 8 hours/day; regular hours and standby
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Secure Confinement of Inmates

10	Adult Corr Ofr VI	1	5 days/week; 8 hours/day; regular hours
10	Adult Corr Ofr V	2	7 days/week; 8 hours/day; regular hours
10	Adult Corr Ofr IV	5	7 days/week; 24 hours/day; regular hours
10	Adult Corr Ofr II, III	18	7 days/week; 24 hours/day; regular hours

Maui Community Correctional Center

Administrative Support Section

03	Account Clerk IV	1	10 days/month; regular hours (for payroll purposes only)
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Food Service

02	Inst Food Svc Mgr I	1	5 days/week, M-F
01	Cook II	2	7 days/week; 5:00pm-7:00pm

Operations - Maintenance

01 Bldg Maint Wkr I	1	5 days/week; M-F; 7:45am-4:30pm and standby
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Security Section

10 Adult Corr Ofr VI	1	5 days/week; M-F; 7:00am-3:00pm
10 Adult Corr Ofr V	2	5 days/week; M-F; 7:00am-11:00pm
10 Adult Corr Ofr IV	5	7 days/week; 24 hours/day
10 Adult Corr Ofr III	8	7 days/week; 24 hours/day
10 Adult Corr Ofr II	13	7 days/week; 24 hours/day
10 Adult Corr Ofr I	1	7 days/week; 24 hours/day

Oahu Community Correctional Center

Administrative Section

Clerical Support

03 Identification Ofr	1	5 days/week; 8 hours/day; regular hours
03 Personnel Clerk II	1	10 days/month; 8 hours/day; (for payroll purposes only)
03 Secretary II	1	5 days/week; 8 hours/day; regular hours
03 Clerk IV	1	5 days/week; 8 hours/day; regular hours
03 Clerk III (Records)	1	5 days/week; 8 hours/day; regular hours

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

Inmate Accounts

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

Support Services Section

Medical Unit

13 Physician I 1 5 days/week; 4 hours/day; regular hours

09 Registered Professional Nurse III 1 7 days/week; 8 hours/day; regular hours

10 Licensed Practical Nurse III 8 7 days/week; 16 hours/day; regular hours

Food Services Unit

02 Food Svcs Mgr II 1 5 days/week; 8 hours/day; regular hours

01 Cook III 5 7 days/week; 16 hours/day; regular hours

01 Cook II 2 7 days/week; 16 hours/day; regular hours

Facility Support Unit Construction and Maintenance Sub-Unit

01 Plumber II 1 M-F; 8 hours/day; regular hours; and standby on weekends

01 Electrician II 1 M-F; 8 hours/day; regular hours; and standby on weekends

01 Groundskeeper II 1 M-F; 8 hours/day; regular hours; and standby on weekends

01 Auto Mechanic II	1	M-F; 8 hours/day; regular hours; and standby on weekends
01 Bldg Maint Wkr II	1	M-F; 8 hours/day; regular hours; and standby on weekends

Property and Services Sub-Unit

01 Laundry Worker II	1	5 days/week; 8 hours/day; regular hours
02 Janitor Supv I	1	5 days/week; 8 hours/day; regular hours

Recreation Unit

13 Rec Ther III	1	5 days/week; 8 hours/day; regular hours
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Program Control Section

Security Unit

10 Adult Corr Ofr VI	5	7 days/week; 24 hours/day; regular hours
10 Adult Corr Ofr V	9	7 days/week; 24 hours/day; regular hours
10 Adult Corr Ofr IV	10	7 days/week; 24 hours/day; regular hours
10 Adult Corr Ofr I, II, III	294	7 days/week; 24 hours/day; regular hours

Residency Unit

10 Adult Corr Ofr IV	55	7 days/week; 16 hours/day; regular hours
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Kauai Community Correctional Center

Administration Services

03	Secretary II	1	10 days/month; 8 hours/day (for payroll purposes only)
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Operations

02	Inst Food Svc Mgr II	1	M-F; 8 hours/day and standby on weekends
01	Bldg Maint Wkr I	1	M-F; 8 hours/day and standby on weekends

Security

10	Adult Corr Ofr VI	1	7 days/week; 24 hours/day; regular hours
10	Adult Corr Ofr V	2	7 days/week; 24 hours/day; regular hours
10	Adult Corr Ofr IV	5	7 days/week; 24 hours/day; regular hours
10	Adult Corr Ofr III	13	7 days/week; 24 hours/day; regular hours
10	Adult Corr Ofr II	1	7 days/week; 24 hours/day; regular hours

State Intake Service Centers

Oahu Intake Service Center

Administration/Pretrial Services

03	Sec III	1	5 days/week; 8 hours/day; regular hours
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Pretrial Services

13	Social Worker V	1)	6 days/week; 8 hours/day;
13	Social Worker IV	2)	(1) M-F; 7:30am-5:30pm
			)	(1) M-F; 3:30am-11:30am
			)	(1) Tues-Sat; 3:30am-11:30am

Supervision (Pretrial)

13	Social Worker IV	1	5 days/week; 8 hours/day; regular hours
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Hawaii Intake Service Center

Administration/Pretrial Services/Supervision (Pretrial and Post-Sentence)

13	ISC Manager I	1	When called
13	Social Worker III	1	6 days/week; 8 hours/day; regular hours
03	Clerk-Steno II	1	5 days/week; 8 hours/day; regular hours

Kona Unit - Pretrial/Supervision (Pretrial and Post-Sentence)

13	Social Worker IV	1	6 days/week; 8 hours/day; regular hours
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Maui Intake Service Center

Administration/Pretrial Services/Supervision (Pretrial and Post-Sentence)

13	ISC Manager I	1	When called
13	Social Worker IV	1	6 days/week; 8 hours/day; regular hours
03	Clerk Steno II	1	5 days/week; 8 hours/day; regular hours

Kauai Intake Service Center

Administration/Pretrial Services/Supervision (Pretrial and Post-Sentence)

13	ISC Manager I	1	When called
13	Social Worker III	1	6 days/week; 8 hours/day; regular hours

03 Clerk-Steno II 1 5 days/week; 8 hours/day; regular hours

Correctional Information and Statistics Office

Data Processing

13 Data Processing Systems Analyst V 1 5 days/week; 8 hours/day; regular hours

Staff Services Office

Budget/Fiscal/Personnel/Management Services

13 Accountant III 1 10 days/month; 8 hours/day (for payroll purposes only)

DEPARTMENT OF ATTORNEY GENERAL

State Law Enforcement Office

04 State Security Guard IV 1 M-F; regular hours; and when called

04 State Security Guard III 5 7 days/week; 24 hours/day; regular hours

03 State Security Guard II 33 (11) Sun-Sat; 6:00am-2:00pm
(11) Sun-Sat; 2:00pm-10:00pm
(11) Sun-Sat; 10:00pm-6:00am

03 State Security Guard I 1 M-F; 7:45am-4:30pm

Hawaii Criminal Justice Data Center

03 Clerk IV 1 6 days/month; regular hours (for payroll purposes only)

Office of the Attorney General

03 Clerk-Steno II 1 M-F; regular hours

03 Legal Steno 2 M-F; regular hours

DEPARTMENT OF BUDGET AND FINANCE

Office of the Public Defender

Voucher Payments

03 Account Clk III 1 M-F; 4 hours/day;
7:45am-11:45am

Legal Services

13 Law Clerk 3 Regular hours

Investigative Services

23 Sup. Public Defender Investigator 1 Regular hours

13 Public Defender Investigator 4 Regular hours

Clerical Services

03 Legal Stenographer I 12 Regular hours

03 Legal Stenographer II 1 Regular hours

03 Clerk-Stenographer II 1 Regular hours

03 Clerk-Stenographer III 1 Regular hours

03 Clerk II 1 Regular hours

03 Clerk III 1 Regular hours

03 Case Status Clerk 1 Regular hours

DEPARTMENT OF DEFENSE

Civil Defense Division

13 CD Plans & Opns Officer 1 Standby

13 Intell Trng & Opns Officer 1 M-F; 7:45am-4:30pm
and standby

13 CD Telecommunications Officer 1 Standby

13 Radiological Defense Officer 1 Standby

13 CD Planner 4 Standby

13	Asst CD Planner	1	Standby
13	CD Trng Specialist	1	Standby
13	Exercise Training	1	Standby
13	Info Specialist III	1	Standby
13	Commo & Wrng Specialist	1	Standby
13	Nuclear Civil Protection Planner	1	Standby
03	Clerk-Stenographer II	3	Standby
03	Clerk-Typist II	1	Standby
03	Radio Technician II	1	Standby
03	Radio Technician I	3	(1) M-F; 7:45am-3:45pm and standby (2) M-F; 7:45am-4:30pm and standby
01	Radiological Elec Technician II	1	M-F; 7:45am-4:30pm and standby

Engineering Office

04	Gen Maint & Svc Supervisor I	1	Standby
01	Bldg Maint Wkr II	1	Standby
01	Plumber I	1	Standby
01	Electrician I	1	Standby

Hawaii Army National Guard

03	Security Officer I	3	7 days/week (1) 8:00am-4:00pm (1) 4:00pm-Midnight (1) Midnight-8:00am
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DEPARTMENT OF LAND AND NATURAL RESOURCES

Law Enforcement

04	Conservation and Resources Enforcement Officer V	3	7 days/week; 24 hour/day; regular hours
03	Conservation and Resources Enforcement Officer IV	4	7 days/week; 24 hours/day; regular hours

03	Conservation and Resources Enforcement Officer III	39	7 days/week; 24 hours/day; regular hours
03	Conservation and Resources Enforcement Officer II	3	7 days/week; 24 hours/day; regular hours

CITY AND COUNTY OF HONOLULU

HONOLULU POLICE DEPARTMENT

Communications Division

03	Telephone Switchboard Operator II	7	7 days/week; 8 hours/day
03	Telephone Switchboard Operator II	1	Standby
03	Telephone Switchboard Operator III	5	7 days/week; 8 hours/day
03	Radio Dispatcher I	5	7 days/week; 8 hours/day
03	Radio Dispatcher I	3	Standby
03	Radio Dispatcher II	51	7 days/week; 8 hours/day
03	Radio Dispatcher II	2	Standby

Radio Maintenance Division

04	Radio Technician III	1	M-F; 8 hours/day
03	Radio Technician I*	2	M-F; 8 hours/day
03	Radio Technician II*	1	M-F; 8 hours/day
13	Radio Engineer	1	M-F; 8 hours/day

*2 of 3 Radio Technicians on Standby on weekends and after scheduled hours.

Records and Identification

13	Criminalist IV	1	7 days/week; 8 hours/day
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13	Criminalist III	1	Standby
13	Police Evidence Specialist I	1	7 days/week; 8 hours/day
13	Police Evidence Specialist II	2	7 days/week; 8 hours/day
13	Police Evidence Specialist II	1	Standby
13	Police Evidence Specialist III	2	7 days/week; 8 hours/day
13	Police Evidence Specialist III	1	Standby
<u>Vehicle Maintenance Division</u>			
01	Lead Mechanic	3	5 days/week; 8 hours/day; One standby on weekends
01	Service Station Attendant I	3	5 days/week; 8 hours/day
01	Service Station Attendant II	1	5 days/week; 8 hours/day
<u>Others</u>			
13	Property and Supply Manager	1	5 days/week; 8 hours/day
13	Accountant V	1	5 days/week; 8 hours/day
<u>HONOLULU FIRE DEPARTMENT</u>			
01	Fire Equipment Mechanic	2	M-F; 8 hours/day; Standby after hours and weekends
04	Fire Equipment Superintendent	1	M-F; 8 hours/day; Standby after hours and weekends
13	Radio Engineer	1	M-F; 8 hours/day; Standby after hours and weekends
04	Radio Technician III	1	M-F; 8 hours/day; Standby after hours and weekends

DEPARTMENT OF DATA SYSTEMS

03 Computer Operators 8 12 hours/day; 3 days on; 3 days off

OAHU CIVIL DEFENSE AGENCY

13 Plans and Operations Officer 1 5 days/week; 8 hours/day and Standby

13 Logistics and Supply Officer 1 5 days/week; 8 hours/day and Standby

13 Communications Officer 1 5 days/week; 8 hours/day and Standby

OFFICE OF THE PROSECUTING ATTORNEY

Screening-Intake Division

03 Law Steno 1 M-F; 8 hours/day; 7:45am-4:45pm

03 Clerk Steno 1 M-F; 8 hours/day; 7:45am-4:45pm

Career Criminal Unit

03 Senior Law Steno 1 M-F; 8 hours/day; 7:45am-4:45pm

03 Clerk Steno 1 M-F; 8 hours/day; 7:45am-4:45pm

03 Senior Clerk Typist 1 M-F; 8 hours/day; 7:45am-4:45pm

District and Family Court Division

Criminal Court Section

03 Law Steno 1 M-F; 8 hours/day; 7:45am-4:45pm

03 Clerk Steno 1 M-F; 8 hours/day; 7:45am-4:45pm

Rural Court Section

03 Clerk Steno 1 M-F; 8 hours/day;
7:45am-4:45pm

Family Court Section

03 Law Steno 2 M-F; 8 hours/day;
7:45am-4:45pm

03 Clerk Typist 1 M-F; 8 hours/day;
7:45am-4:45pm

Traffic Court Section

03 Senior Law Steno 1 M-F; 8 hours/day;
7:45am-4:45pm

Circuit Court Division

03 Senior Law Steno 2 M-F; 8 hours/day;
7:45am-4:45pm

03 Law Steno 2 M-F; 8 hours/day;
7:45am-4:45pm

03 Senior Clerk Steno 2 M-F; 8 hours/day;
7:45am-4:45pm

03 Clerk Steno 3 M-F; 8 hours/day;
7:45am-4:45pm

Investigation Division

Felony Cases

13 Investigator 1 M-F; 8 hours/day;
7:45am-4:45pm

District and Family Court

13 Investigator 1 M-F; 8 hours/day;
7:45am-4:45pm

Grand Jury

13 Investigator 2 M-F; 8 hours/day;
7:45am-4:45pm

Administration

03 Clerk 1 M-F; 8 hours/day;
7:45am-4:45pm

Victim/Witness Kokua Service

13	Social Planner V	1	M-F; 8 hours/day; 7:45am-4:45pm
13	Social Planner IV	1	M-F; 8 hours/day; 7:45am-4:45pm
13	Planner III	3	M-F; 8 hours/day; 7:45am-4:45pm
03	Senior Clerk Typist	1	M-F; 8 hours/day; 7:45am-4:45pm

COUNTY OF HAWAII

POLICE DEPARTMENT

03	Police Radio Dispatcher II	4 (Kona)	5 days/week; 8 hours/day Shift work in 7 days/week; 24 hours/day operation
03	Police Radio Dispatcher II	4 (Hilo)	5 days/week; 8 hours/day; Shift work in 7 days/week; 24 hours/day operation
03	Radio Technician I	2	5 days/week; 8 hours/day
03	Radio Technician I	2	Standby
04	Radio Technician II	1	5 days/week; 8 hours/day and standby
13	Criminalist	2	M-F; 8 hours/day
03	Police Evidence Custodian	1	M-F; 8 hours/day
03	Fingerprint Technician	1	M-F; 8 hours/day
03	Senior Clerk-Stenographer	1	M-F; 8 hours/day
03	Clerk-Typist	2	M-F; 8 hours/day

FIRE DEPARTMENT

03 Fire Radio Dispatcher II	6 (2 per shift)	5 days/week; 8 hours/day; Shift work in 7 days/week; 24 hours/day operation
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CIVIL DEFENSE

03 Clerk-Typist	1	M-F; 8 hours/day; and standby
03 Senior Clerk Stenographer	1	M-F; 8 hours/day; and standby
13 Civil Defense Plans & Operations Officer	1	M-F; 8 hours/day; and standby
13 Civil Defense Logistics & Supply Officer	1	M-F; 8 hours/day; and standby

PROSECUTING ATTORNEY

13 Special Investigator I	1	M-F; 8 hours/day
03 Legal Stenographer	2	M-F; 8 hours/day
03 Senior Clerk Stenographer	1	M-F; 8 hours/day
03 Clerk Stenographer	1	M-F; 8 hours/day
03 Senior Legal Stenographer	2	M-F; 8 hours/day
03 Cost Account Clerk	1	M-F; 8 hours/day

COUNTY OF MAUI

MAUI POLICE DEPARTMENT

03 Radio Dispatcher	9	7 days/week; 8 hours/day
03 Radio Dispatcher	1	Standby
03 Communications Coordinator	1	M-F; 8 hours/day and standby
03 Clerk Typist	1	M-F; 8 hours/day
03 Civil Defense Clerk	1	Standby

DEPARTMENT OF PROSECUTING ATTORNEY

13	Investigator	2	M-F; 8 hours/day
03	Law Stenographer I	4	M-F; 8 hours/day
03	Clerk Stenographer III	1	M-F; 8 hours/day

COUNTY OF KAUAI

POLICE DEPARTMENT

03	Radio Dispatcher I	2	M-F; 8 hours/day
03	Radio Dispatcher II	8	M-F; 8 hours/day
01	Automotive Mechanic I	1	M-F; 8 hours/day

FIRE DEPARTMENT

01	Fire Equipment Mechanic	1	Standby
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CIVIL DEFENSE

13	Plans and Operations Officer	1	M-F; 8 hours/day
03	Private Secretary	1	M-F; 8 hours/day

PROSECUTOR'S OFFICE

03	Clerk Stenographer	1	M-F; 8 hours/day
13	Special Investigator	1	M-F; 8 hours/day

GENERAL ORDERS

The Board further orders the following in the event of a strike by Units 1, 2, 3, 4, 9, 10, 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, 10, 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 employees 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.

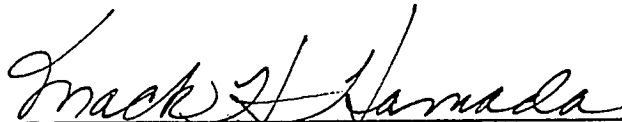
Worksites, building or facilities which have only one entrance may be picketed, but persons on the picket lines shall permit anyone to cross the picket lines.

10. To ensure the health or safety of the public, all picket lines of Units 1, 2, 3, 4, 9, 10, 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 insuring uninhibited ingress and egress to all 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 20, 1984.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD



MACK H. HAMADA, Chairperson

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GEORGE R. ARIYOSHI, Governor, State of Hawaii; EILEEN R. ANDERSON, Mayor, City and County of Honolulu; HERBERT T. MATAYOSHI; Mayor, County of Hawaii; HANNIBAL TAVARES, Mayor, County of Maui; TONY T. KUNIMURA, Mayor, County of Kauai vs. HAWAII GOVERNMENT EMPLOYEES ASSOCIATION and UNITED PUBLIC WORKERS

CASE NOS. S-01-21a, S-02-21b, S-03-21c, S-04-21d, S-09-21e, S-10-21f, S-13-21g



JAMES K. CLARK, Board Member



JAMES R. CARRAS, Board Member

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