

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. RA-03-98
)	
HANNIBAL TAVARES, Mayor of the)	DECISION NO. 220
County of Maui,)	
)	FINDINGS OF FACT, CONCLU-
Petitioner.)	SIONS OF LAW AND ORDER
_____)	

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

On April 16, 1986, HANNIBAL M. TAVARES, Mayor of the County of Maui [hereinafter referred to as Petitioner or Employer] filed a Petition for Clarification or Amendment of Appropriate Bargaining Unit with the Hawaii Labor Relations Board [hereinafter referred to as Board]. In its petition, Employer requested the inclusion of Position No. HC-0039, reclassified to a new class entitled Housing Program Clerk II, in bargaining unit 3 (Non-supervisory employees in white collar positions). Petitioner submitted the following document with the petition:

1. Class Specifications for the Housing Program Clerk II, County of Maui.

On June 10, 1986, Employer amended its petition and submitted the following documents:

1. Affidavit of Manabu Kimura, Director of Personnel Services, County of Maui, regarding Position No. HC-0039, dated June 6, 1986; and

2. Position Description for the Housing Program Clerk II, County of Maui (Exhibit A).

Based on the affidavit of Manabu Kimura and all documents submitted in support of the petition, the Board makes the following findings of fact, conclusions of law and order.

FINDINGS OF FACT

Petitioner is the public employer, as defined in Subsection 89-2(9), Hawaii Revised Statutes [hereinafter referred to as HRS], of employees of the County of Maui, which includes employees in bargaining unit 3.

The HGEA is the certified exclusive representative, as defined in Subsection 89-2(12), HRS, of employees in bargaining unit 3.

Position No. HC-0039 has been reclassified to a new class entitled Housing Program Clerk II, and is located in the Housing Division, Department of Human Concerns, County of Maui. Position No. HC-0039 supervises and participates in the work assigned to subordinates, and performs the following duties in the approximate percentages of work time:

1. Plans and coordinates the clerical activities of all clerical personnel in the office by distributing and setting priorities on clerical activities, monitoring the flow and completion of work assignments, and reviewing and checking the work for accuracy and completeness; and reviews, revises and assesses needs for changes in office policies and procedures (25%);

2. Maintains subsidiary and special accounting records and performs a full range of account recordkeeping tasks for the

various housing projects and programs administered by the Housing Division (25%);

3. Serves as a certified packager, and prepares application packages for applicants applying for rural housing loans and/or grants from the Farmers' Home Administration which involves screening applicants and examining applications and supporting documents to ensure conformance with Federal, State and County rules and regulations, policies and procedures, and other legal requirements (20%); and

4. Other duties (30%). Petitioner's Exhibit A.

Based on these duties and responsibilities, the position has been reclassified to a new class entitled Housing Program Clerk II, and proposed for inclusion in bargaining unit 3.

CONCLUSIONS OF LAW

Subsection 89-6(a), HRS, establishes 13 public employee bargaining units and provides, in part:

(a) All employees throughout the State within any of the following categories shall constitute an appropriate bargaining unit:

* * *

(3) Nonsupervisory employees in white collar positions;. . .

After a complete review of the duties and responsibilities of Position No. HC-0039, the Board concludes that the position supervises and participates in the work assigned to

subordinate clerical employees in the Housing Division, Department of Human Concerns. As such, Employer's proposed inclusion of the subject position in bargaining unit 3 is consistent with Subsection 89-6(a), HRS.

ORDER

Position No. HC-0039, Program Housing Clerk II, is included in bargaining unit 3.

The effective date of the transfer shall not be earlier than the date of this decision.

DATED: Honolulu, Hawaii, July 10, 1986.

HAWAII LABOR RELATIONS BOARD


MACK H. HAMADA, Chairperson


JAMES R. CARRAS, Board Member

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