

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. RA-03-109
)	
HANNIBAL M. TAVARES, Mayor of)	DECISION NO. 222
the County of Maui,)	
)	FINDINGS OF FACT, CONCLU-
Petitioner.)	SIONS OF LAW AND ORDER
_____)	

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

On July 11, 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 Nos. WW-0165 and WW-0166, each reclassified to a new class entitled Backflow Control Technician, in bargaining unit 3 (Non-supervisory employees in white collar positions).

Petitioner submitted the following documents with the petition:

1. Affidavit of Manabu Kimura, Director of Personnel Services, County of Maui, regarding Position Nos. WW-0165 and WW-0166, dated July 9, 1986;
2. Position Description for the Backflow Prevention Worker I, Position No. WW-0165 (Exhibit A);
3. Position Description for the Backflow Prevention Worker I, Position No. WW-0166 (Exhibit B);

4. Class Specifications for the Backflow Control Technician (Exhibit C); and

5. Table of Organization for the Plant Operations Division, Department of Water Supply.

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 Nos. WW-0165 and WW-0166 have each been reclassified to a new class entitled Backflow Control Technician, and are located in the Plant Operations Division, Department of Water Supply, County of Maui. The subject positions are each required to independently inspect and test backflow prevention devices, determine the need for installation of such devices, and maintain appropriate records. More specifically, each position performs the following duties in the approximate percentages of work time:

1. Tests all backflow devices using approved instruments, and capable of repairing and replacing all existing equipment (40%);

2. Meets with owners and designers on installation and procedures necessary for the proper functions or repairs of equipment (15%);

3. Records all testing of backflow vacuum breaker and cross connection, schedules and follows up on repairs, and confirms proper function of all equipment (25%);

4. Checks and reports all cross connection and contamination of system and equipment (5%);

5. Supervises subordinates and consumers on proper operation of equipment and repairs of all backflow equipment (5%);

6. Checks existing equipment for accepted equipment and materials used, reports illegal installations, and follows up until system and equipment are acceptable by the department (5%); and

7. Other duties (5%). Petitioners Exhibits A, B and C.

Based on these duties and responsibilities, the two positions have been reclassified to a new class entitled Backflow Control Technician, 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 Nos. WW-0165 and WW-0166, the Board concludes that each position independently inspects and tests backflow prevention devices, records testing results, reports device malfunctions to the owner and follows up on repairs. Further, each position meets with owners and others on the installation of backflow prevention devices. As such, Employer's proposed inclusion of the subject positions in bargaining unit 3 is consistent with Subsection 89-6(a), HRS.

ORDER


Position Nos. WW-0165 and WW-0166, each entitled Backflow Control Technician, are included in bargaining unit 3.

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

HANNIBAL M. TAVARES, Mayor of the County of Maui
CASE NO. RA-03-109
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FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

DATED: Honolulu, Hawaii, July 28, 1986.

HAWAII LABOR RELATIONS BOARD


MACK H. HAMADA, Chairperson


JAMES K. CLARK, Board Member


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