

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. RA-13-113
)	
HANNIBAL M. TAVARES, Mayor of)	DECISION NO. 223
the County of Maui,)	
)	FINDINGS OF FACT, CONCLU-
Petitioner.)	SIONS OF LAW AND ORDER
_____)	

FINDINGS OF FACT
CONCLUSIONS OF LAW AND ORDER

On September 10, 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. DF-0076, reclassified to a new class entitled Computer Programmer/Analyst I, in bargaining unit 13, (Professional and scientific employees, other than registered professional nurses).

Petitioner submitted the following documents with the petition:

1. Affidavit of Manabu Kimura, Director of Personnel Services, County of Maui, regarding Position No. DF-0076, dated September 5, 1986;
2. Position description for the Computer Programmer/Operator (Exhibit A);
3. Class specifications for the Computer Programmer/Analyst I and II (Exhibit B); and

4. Organization chart for the Management Information Systems Division, Department of Finance, County of Maui (Exhibit C).

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 13.

The HGEA is the certified exclusive representative, as defined in Subsection 89-2(12), HRS, of employees in bargaining unit 13.

Position No. DF-0076 has been reclassified to a new class entitled Computer Programmer/Analyst I, and is located in the Management Information System Division, Department of Finance, County of Maui. The position is responsible for developing and preparing plans and machine instructions for the processing of data on an electronic computer; analyzing and evaluating operation procedures, work methods and information needs of an organization; and developing appropriate electronic systems. More specifically, Position No. DF-0076 performs the following duties in the approximate percentages of work time:

1. Independently performs computer programming assignments of moderate scope and complexity, and assists higher level

data processing staff in analyzing and designing computer programs (70%);

2. Meets with departmental users to determine specifications needed in designing program enhancements or corrections to existing data processing systems (15%);

3. Observes on-going system operations, interprets system and/or application console messages, and initiates corrective action when required (5%);

4. Operates computer peripheral devices (tape drive, disk drives, printers, etc.) and free standing computer support equipment (communication devices, paper handling equipment, etc.) (5%); and

5. Other duties (5%). Petitioner's Exhibits A and B.

The pertinent minimum qualification requirements for the Computer Programmer/Analyst I from the position's class specifications are as follows:

1. Graduation from an accredited college or university with major work in computer science, mathematics, public or business administration, accounting or a related field; and

2. One and one-half years of data processing experience which shall have included programming, and analysis and design of systems for electronic data processing; or

3. Any equivalent combination of training and experience. Petitioner's Exhibit B.

Based on these duties and responsibilities, and minimum qualification requirements, the position has been reclassified to a new class entitled Computer Programmer/Analyst I, and proposed for inclusion in bargaining unit 13.

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:

* * *

(13) Professional and scientific employees, other than registered professional nurses, . . .

The Board noted in Decision No. 14, Hawaii Government Employees' Association, 1 HPERB 103 (1972), that the following employees are to be included in bargaining unit 13:

All professional and scientific employees employed by the State of Hawaii, City and County of Honolulu, and the counties of Hawaii, Maui, and Kauai, except those determined not to be eligible to vote.

Id. at 104.

Subsection 89-2(17), HRS, sets forth the definition of "professional employee" and reads as follows:

"Professional employee" includes (A) any employee engaged in work (i) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work, (ii) involving the consistent exercise of discretion and judgment in its performance, (iii) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time, (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical practices; . . .

After a complete review of the duties and responsibilities of Position No. DF-0076, the Board concludes that the position assembles and tests new programs, analyzes work procedures, ensures that the computer system performs efficiently and correctly, and operates peripheral devices. As such, the position is engaged in predominantly intellectual work which is varied in character, requiring the consistent exercise of discretion and judgment. Further, the position's duties and responsibilities cannot be standardized in relation to a given period of time, and requires knowledge of an advanced type customarily acquired through specialized study in an institution of higher learning. Accordingly, the Board concludes that the duties and responsibilities of Position No. DF-0076 reflect those of a "professional employee." As such, Employer's proposed inclusion of the subject position in bargaining unit 13 is consistent with Subsection 89-6(a), HRS.

ORDER

Position No. DF-0076, entitled Computer Programmer/Analyst I, is included in bargaining unit 13.


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

DATE: Honolulu, Hawaii, October 15, 1986.

HAWAII LABOR RELATIONS BOARD


MACK H. HAMADA, Chairperson

HANNIBAL M. TAVARES, Mayor of the County of Maui, Petitioner
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JAMES K. CLARK, Board Member



JAMES R. CARRAS, Board Member

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