

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. RA-03-140
)	
HANNIBAL TAVARES, Mayor of the)	DECISION NO. 255
County of Maui,)	
)	FINDINGS OF FACT, CONCLU-
Petitioner.)	SIONS OF LAW AND ORDER
)	

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

On August 5, 1987, the County of Maui, State of Hawaii [hereinafter referred to as County], filed a Petition for Clarification or Amendment of Appropriate Bargaining Unit with the Hawaii Labor Relations Board [hereinafter referred to as Board] requesting the inclusion of Position No. PW-0414, Land Use and Codes Support Clerk be included in bargaining unit 3 (nonsupervisory employees in white collar positions). In its petition, the County contends that the class Land Use and Codes Support Clerk is clerical in nature, and that initial inclusion in the bargaining unit is appropriate.

Petitioner submitted the following documents with the petition:

1. Affidavit of Manabu Kimura, Director of Personnel Services for the County of Maui, regarding the subject class, dated July 24, 1987;
2. Position description for Position No. PW-0414, formerly a Clerk Stenographer III, SR-11 which was reallocated to Land Use and Codes Support Clerk (Exhibit A);

3. Class specifications for Land Use and Codes Support Clerk (Exhibit B);

4. Table of organization, Land Use and Codes Administration Division, Department of Public Works, County of Maui (Exhibit C); and

5. Letter from Kimura to Russell K. Okata, Executive Director, Hawaii Government Employees Association (hereinafter referred to as HGEA), informing the HGEA of the intention to include the subject class in bargaining unit 3.

As the support documents to the petition did not reflect the HGEA's position on the inclusion, the Board issued a Notice of Receipt of Petition for Clarification or Amendment of Appropriate Bargaining Unit; Notice of Deadline for Filing Petitions for Intervention on August 20, 1987. Having received no Petition for Intervention and 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 the 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 the employees in bargaining unit 3.

The HGEA has not sought intervention in the subject proceedings and is deemed to have waived the right to a hearing thereon.

Position No. PW-0414, formerly Clerk Stenographer III, SR-11, is located in the Land Use and Codes Administration Division, Department of Public Works. The position performs the following duties and responsibilities:

1. Receives telephone calls, visitors and inquiries and routes them to the proper person;
2. Arranges appointments for the Land Use and Codes Administrator;
3. Receives and reviews all incoming correspondence, handling routine matters and routing others to the proper person;
4. Transcribes and prepares letters;
5. Searches files and prepares background material for reports as requested by the Land Use and Codes Administrator;
6. Coordinates matters referred to the Land Use and Codes Administrator for action by the Board of Variances and Appeals, the Board of Code Appeals, and the Subdivision Standards Committee;
7. Assists the Land Use and Codes Administrator in the preparation of the agenda for meetings and hearings of the Board of Variances and Appeals, the Board of Code Appeals, and the Subdivision Standards Committee;
8. Makes necessary arrangements for publication of public hearing notices as required;

9. Takes and prepares transcripts of the proceedings of hearings held by the Board of Variances and Appeals, the Board of Code Appeals, and the Subdivision Standards Committee;

10. Answers inquiries about proceedings of the Board of Variances and Appeals;

11. Maintains the file system of the Land Use and Codes Division;

12. Types letters, agenda, staff reports, memoranda, and legal documents from rough drafts, unorganized notes or dictation;

13. Contacts applicants for information needed by the boards;

14. Makes xerox copies of documents as requested;

15. Records public complaints and/or requests for information and directs them to the proper staff personnel;

16. Runs office errands, delivering public hearing notices to Maui Publishing Company, agendas to Board of Variances and Appeals members;

17. Makes travel and/or hotel accommodations for Board of Variances and Appeals members for off-island public hearings;

18. Provides all clerical support for inspection section;

19. Prepares personnel forms, reallocations, requests for leave, temporary assignments, accident reports, and collects and checks leave reports for completeness;

20. Monitors expenditures and files purchase orders;

21. Screens and processes requests for office supplies, maintains adequate office supplies in the stock room and sees to it that supplies are on hand at all times and determines needs and purchases office supplies as needed; and

22. Prepares requisitions and follows up and accepts deliveries.

Based on these duties and responsibilities, the subject position has been proposed for inclusion into bargaining unit 3.

CONCLUSIONS OF LAW

Petitioner has requested the inclusion of Position No. PW-0414 in bargaining unit 3.

Subsection 89-6(a)(3), HRS, specifies that nonsupervisory employees in white collar positions are to be included in bargaining unit 3.

After a complete review of the duties and responsibilities of Position No. PW-0414, the Board concludes that the position has duties and responsibilities typical of nonsupervisory employees in white collar positions. Thus, the position is appropriate for inclusion in bargaining unit 3 as defined in Subsection 89-6(a)(3), HRS.


ORDER

Position No. PW-0414, Land Use and Codes Support Clerk, is included in bargaining unit 3.

HANNIBAL TAVARES, Mayor of the County of Maui
CASE NO. RA-03-140
DECISION NO. 255
FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

DATED: Honolulu, Hawaii, November 6, 1987.

HAWAII LABOR RELATIONS BOARD


MACK H. HAMADA, Chairperson


JAMES K. CLARK, Board Member


JAMES R. CARRAS, Board Member

Copies sent to:

Manabu Kimura
Hawaii Government Employees Association
Joyce Najita, IRC
Publications Distribution Center
State Archives
University of Hawaii Library
Robert Hasegawa, CLEAR
Library of Congress