

dec.

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. RA-03-147
	)	
HANNIBAL TAVARES, Mayor of the	)	DECISION NO. 262
County of Maui,	)	
	)	FINDINGS OF FACT, CONCLU-
Petitioner.	)	SIONS OF LAW AND ORDER
	)	

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FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER

On February 4, 1988, HANNIBAL 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. PW-0364 and PW-0413, reclassified to a new class entitled Land Use and Building Plans Examiner, in bargaining unit 3 (Nonsupervisory 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. PW-0364 and PW-0413, dated October 19, 1987;
2. Position descriptions for the Building Inspector II (Exhibits A and B, respectively);
3. Class specifications for the Land Use and Building Plans Examiner (Exhibit C); and

4. Organization chart for the Land Use and Codes Administration Division, Department of Public Works, County of Maui (Exhibit D).

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 Section 89-2, Hawaii Revised Statutes [hereinafter referred to as HRS], of employees in bargaining unit 3.

Position Nos. PW-0364 and PW-0413 have been reclassified to a new class entitled Land Use and Building Plans Examiner and are located in the Land Use and Codes Administration Division, Department of Public Works, County of Maui. Position Nos. PW-0364 and PW-0413 are required to review and process complex plans for compliance with provisions of the building codes, housing codes, zoning codes, county ordinances, and State laws. More specifically, the positions perform the following duties in the approximate percentages of work time:

1. Review complex building plans and specifications for compliance with building ordinances, housing ordinances, zoning ordinances, driveway ordinances, sign numbering of buildings ordinances, and other legal requirements established by the State Legislature, County Council, executive county agencies, or the Director of Public Works; meet

with designers, contractors, and the general public to explain proper procedures in submitting plans and specifications for projects; approve or disapprove plans submitted with appropriate rationale and submit them to the Chief of Plans Review (65%);

2. Keep records of all plans checked and prepare correspondence and periodic reports; testify on actions before boards, commissions, courts of law, or other governmental bodies as required (15%);
3. Provide reports to either the Board of Code Appeals or the Board of Variances and Appeals concerning plans and specifications reviewed and acted upon (5%);
4. Process and issue building, housing, zoning, driveway, sign, and numbering of building permits, including collection of appropriate fees as required (5%);
5. Perform field inspections on projects reviewed as required to assure compliance (5%); and
6. Perform related duties as required (5%).

Based on these duties and responsibilities, Position Nos. PW-0364 and PW-0413 have been reclassified to a new class entitled Land Use and Building Plans Examiner, 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. PW-0364 and PW-0413, the Board concludes that the positions are responsible for reviewing and processing complex plans for compliance with provisions of county ordinances pertaining to the building, housing, sign, and zoning codes. Further, the positions' duties and responsibilities are nonsupervisory white collar in nature. As such, Employer's proposed inclusion of Position Nos. PW-0364 and PW-0413 in bargaining unit 3 is consistent with Subsection 89-6(a), HRS.

ORDER

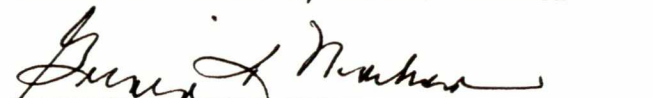
Position Nos. PW-0364 and PW-0413, entitled Land Use and Building Plans Examiner, are included in bargaining unit 3.

DATED: Honolulu, Hawaii, April 22, 1988.

HAWAII LABOR RELATIONS BOARD

  
MACK H. HAMADA, Chairperson

  
JAMES R. CARRAS, Board Member

  
GERALD K. MACHIDA, Board Member

HANNIBAL TAVARES, Petitioner  
CASE NO. RA-03-147  
DECISION NO. 262  
FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

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