

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. RA-04-153
)	
HANNIBAL M. TAVARES, Mayor of)	DECISION NO. 266
the 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 10, 1988, 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. PW-0024, reclassified to a new class entitled Supervising Building and Planning Inspector, in bargaining unit 4 (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 No. PW-0024, dated October 19, 1987;

2. Position description for the Supervising Building Inspector (Exhibit A);

3. Class specifications for the Supervising Building and Planning Inspector (Exhibit B); and

4. Organization chart for the Land Use and Codes Administration Division, Department of Public Works, 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 Section 89-2, Hawaii Revised Statutes [hereinafter referred to as HRS], of employees of the County of Maui, which includes employees in bargaining unit 4.

Position No. PW-0024 has been reclassified to a new class entitled Supervising Building and Planning Inspector, and is located in the Land Use and Codes Administration Division, Department of Public Works, County of Maui. Position No. PW-0024 is required to supervise the building, zoning, sign, driveway, and street numbering inspection and compliance programs for the County of Maui. More specifically, the position performs the following duties:

Plans, assigns, and reviews the work of subordinates engaged in the inspection of construction, alteration, or repair to structures and equipment for compliance with building, housing, zoning, driveway, sign, and street numbering ordinances, pursuant to legal requirements established by the State Legislature, County Council, authorized executive agencies, or

the Director of Public Works; confers with other supervising inspectors on problems encountered in inspections, and coordinates enforcement activities; renders decisions where disputes arise over application of ordinances or other legal requirements between inspectors and contractors, or their agents (including the general public); makes field inspections where difficult problems arise; prepares recommendations for revisions to the building, housing, zoning, driveway, sign and street numbering ordinances; oversees the preparation and records maintenance of inspections, and subsequent actions taken by inspectors; investigates cases of ordinance violations and, when necessary, recommends to a higher authority prosecution of violators; trains subordinates; approves all personnel actions involving subordinates; reviews and approves violation notices and reports submitted by subordinates; as required, reviews ordinances and approves the issuance of permits; and performs all other related duties as directed.

Based on these duties and responsibilities, Position No. PW-0024 has been reclassified to a new class entitled Supervising Building and Planning Inspector, and proposed for inclusion in bargaining unit 4.

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:

* * *

- (4) Supervisory employees in white collar positions; . . .

After a complete review of the duties and responsibilities of Position No. PW-0024, the Board concludes that the position is responsible for supervising subordinate personnel in all aspects of the inspection and compliance programs, pursuant to building, housing, sign, driveway, street numbering, and zoning regulations, ordinances, and State laws. Clearly, the position's duties and responsibilities are supervisory, white collar in nature. As such, Employer's proposed inclusion of Position No. PW-0024 in bargaining unit 4 is consistent with Subsection 89-6(a), HRS.

ORDER

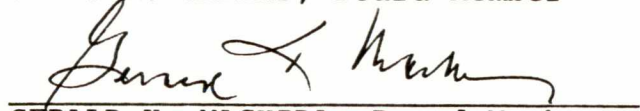
Position No. PW-0024, entitled Supervising Building and Planning Inspector, is included in bargaining unit 4.

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 M. TAVARES, Mayor of the County of Maui
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