

See.

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. RA-03-154
)	
HANNIBAL M. TAVARES, Mayor of)	DECISION NO. 267
the County of Maui,)	
)	FINDINGS OF FACT, CONCLU-
Petitioner.)	SIONS OF LAW AND ORDER
_____)	

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-0020, reclassified to a new class entitled Land Use and Codes Operations Clerk, 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 No. PW-0020, dated October 19, 1987;
2. Position description for the Supervising Building Permit Clerk (Exhibit A);
3. Class specifications for the Land Use and Codes Operations Clerk (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 the employees of the County of Maui, which includes employees in bargaining unit 3.

Position No. PW-0020 has been reclassified to a new class entitled Land Use and Codes Operations Clerk, and is located in the Land Use and Codes Administration Division, Department of Public Works, County of Maui. Position No. PW-0020 is required to supervise and participate in the activities involved in the processing, approving, and issuing of building permits. More specifically, the position performs the following duties in the approximate percentages of work time:

1. Plans, assigns, and reviews the work of one subordinate Building Permit Clerk; makes decisions on questionable procedures, conflicts or disagreements between the building applicants and the clerk; coordinates the functions of the Permit Section; reviews plans submitted for building permits; enters and maintains building permit application

information into the computer and reviews for completeness and accuracy; computes building permit fees pursuant to County ordinances; deposits monies on a daily basis with the County Department of Finance; and provides information to the public regarding the building application process, approval process, and status of their respective applications (45%).

2. Maintains the computer tracking system which includes routing of building applications and plans to various government agencies; and monitors past due reviews of building applications and plans (15%).
3. Issues street address numbers in established subdivisions; and devises street address numbering schemes for areas without street addresses (10%).
4. Maintains a cash journal for permits issued; maintains a record system for fees collected and deposited; and updates various statistical reports (5%).
5. Provides operational analysis of the Land Use Codes Administration's building permit computer system, with the County Management Information System Division, to improve data entry/inquiry screens, reports, etc.; and coordinates the computer system functions with staff personnel, and other governmental agencies (normally 20% but

increases during initial implementation and revision of the computer system).

6. Performs related duties as required (5%).

Based on these duties and responsibilities, Position No. PW-0020 has been reclassified to a new class entitled Land Use and Codes Operations Clerk, and is 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 No. PW-0020, the Board concludes that the position is responsible for coordinating and supervising the activities involved in the processing, approval, and issuance of building permits. Further, the position maintains the building permit and application computer system. Additionally, the position provides input to other governmental agencies, regarding the enhancement of the existing building permit computer software. Finally, the position expedites past due reviews of building permits and plans. In conclusion, the position's duties and

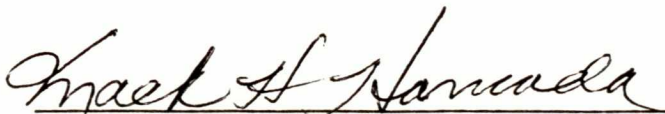
responsibilities are nonsupervisory white collar in nature. As such, Employer's proposed inclusion of Position No. PW-0020 in bargaining unit 3 is consistent with Subsection 89-6(a), HRS.

ORDER

Position No. PW-0020, entitled Land Use and Codes Operations Clerk, is 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

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