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STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. RA-03-107
	)	
HAWAII GOVERNMENT EMPLOYEES	)	DECISION NO. 269
ASSOCIATION, AFSCME LOCAL 152,	)	
AFL-CIO,	)	FINDINGS OF FACT, CONCLU-
	)	SIONS OF LAW AND ORDER
Petitioner,	)	
	)	
and	)	
	)	
GEORGE R. ARIYOSHI, Governor	)	
of the State of Hawaii,	)	
	)	
Intervenor.	)	
	)	

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FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER

On June 10, 1986, the HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME LOCAL 152, AFL-CIO [hereinafter referred to as HGEA], 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, HGEA requested that Position Nos. 1574, 1600 and 1625, Secretary II, be included in bargaining unit 3 (Nonsupervisory employees in white collar positions) as their supervisors' positions, which were formerly excluded from collective bargaining, were abolished and the subject positions, as a result of reorganization, now report to included supervisors.

GEORGE R. ARIYOSHI, then Governor of the State of Hawaii [hereinafter referred to as State], intervened in the subject proceedings on the basis that he is the employer for

the subject positions. Board Order No. 600, dated August 6, 1986.

On July 21, 1986, the State filed a motion to defer or stay further proceedings in this matter pending the outcome of a decision in Case Nos. RA-13-106 and RA-13-110. The motion was based on the grounds that the subject petition is to include positions which serve as secretaries to the Tax Collector and Tax Assessor positions involved in Case Nos. RA-13-106 and RA-13-110. Since the decision in the Tax Collector and Tax Assessor cases would dispose of the primary factual and legal issues involved here, it was agreed by the HGEA and the State that further proceedings in the instant matter should be deferred pending the outcome of Board deliberations in Case Nos. RA-13-106 and RA-13-110. Pursuant to Order No. 601, dated August 6, 1986, the instant matter was so stayed pending a decision in Case Nos. RA-13-106 and RA-13-110.

In Decision No. 253, George R. Ariyoshi, 4 HLRB \_\_\_\_\_ (1987), the Board denied the State's request to exclude the District Tax Assessor and District Tax Collector positions from collective bargaining under Chapter 89, Hawaii Revised Statutes [hereinafter referred to as HRS].

At the second prehearing conference held in the instant matter on March 28, 1988, the State submitted the affidavit of Diana H. Kaapu, Chief of the Classification and Compensation Review Division of the Department of Personnel Services, State of Hawaii, which indicated that the State withdrew its motion to defer or stay the subject proceedings. The State, through the

affidavit, further withdrew its objections to the Petition for Clarification or Amendment of Appropriate Bargaining Unit filed by the HGEA.

At the prehearing conference, the State submitted the following documents to the Board:

1. Position classification forms for Position No. 1574, Secretary II (Exhibit 1); Position No. 1600, Secretary II (Exhibit 2); and Position No. 1625, Secretary II (Exhibit 3);
2. Class specifications for the Secretary series, Secretary I through IV (Exhibit 4); and
3. The position organization charts for the compliance divisions on Maui, Hawaii and Kauai, Department of Taxation, State of Hawaii (Exhibit 5).

Based on all documents submitted in support of the subject petition, the Board makes the following findings of fact, conclusions of law and order.

#### FINDINGS OF FACT

Petitioner is the certified exclusive representative, as defined in Section 89-2, HRS, of the employees in bargaining unit 3.

The State is the public employer, as defined in Section 89-2, HRS, of employees in bargaining unit 3.

The State does not object to the proposed inclusion of the subject positions in bargaining unit 3 and is deemed to have waived the right to a hearing thereon.



Position Nos. 1574, 1600 and 1625 are all classified as Secretary II, and located in the compliance divisions of the Department of Taxation on Maui, Hawaii and Kauai, respectively. The positions serve as secretaries to the District Tax Collector and the District Tax Assessor in the respective district offices. The duties and responsibilities of the subject positions are typically as follows in the approximate percentages of work time:

MAJOR DUTIES AND RESPONSIBILITIES:

- a. Provides secretarial services to the administrator, branch chiefs and auditors in the district office. Takes and transcribes dictation or types from rough drafts, administrative reports and summaries, correspondence, special reports, memoranda, etc., relating to tax enforcement procedures and departmental policies; audit reports and assessments, etc., checking for accuracy, completeness, grammar, signature, format, etc., and calls any deviations to the attention of the writer.

Obtains documents and background information from various departmental sources for the administrator on the basis of general understanding or specific instructions.

Keeps aware of urgent and pressing matters including program deadlines and submits material to the administrator in order of priorities.

Receives and screens calls and visitors, refers those which may be handled by others and takes care of routine matters; makes arrangements for appointments and conferences with taxpayers including attorneys, certified public accountants, legislators and other public or private officials. Obtains information on complaints or inquiries in person or by telephone for the executive's attention.

Orally relays messages and instructions as directed by the administrator in his dispensation of administrative matters to the branch chiefs, subordinate supervisors and/or other staff members.

Composes routine letters for administrator's signature in response to queries concerning personnel (verification of employment), supplies, equipment, etc.

Makes travel arrangements for the administrator, branch chiefs and auditors; requests advance per diem; completes statements of travel.

Establishes and maintains filing system, revising as needed, including confidential reports and correspondence relating to the administration of the Hawaii District Office (50%).

- b. Attends to the procurement of supplies, equipment, printing, maintenance and repair services, postage, subscriptions, etc., to see that the district office is adequately provided for in these areas. Also attends to the transfer or disposal of all equipment. Prepares and submits the annual physical inventory of property.

Attends to the three State cars assigned to this office including its safety checks, no-fault insurance coverage, mileage reports, repairs, accident reports, etc.

Requests minor repair work for the office (i.e., light fixtures, air conditioning, broken tiles, etc.) (20%).

- c. Prepares correspondence relating to personnel activities, arranges for personal interviews, assists new hires in the completion of employment forms and reviews same before submittal to the Department's personnel office. Informs employees of State and other benefits available to them, instructs them in the proper use of leave forms, etc. Receives, reviews, clarifies and follows up on all inquiries relating to payroll, health benefits, retirement, bond purchase, prepares and files industrial injury reports (workmen's compensation). Maintains personnel records of all employees. Posts all personnel actions on employee records, keeps employees informed of their leave status, interprets and explains departmental personnel policies, rules and regulations, prepares annual leave reports and prepares and submits per diem requests, expenditure and mileage vouchers and statements of completed travel.

Attends the various governmental agency meetings involving personnel matters and coordinates the required distribution of information and literature to the staff and prepares any or all final submittals for the appropriate agency (20%).

- d. Assists in the preparation of budget request reports as it relates to office products anticipated needs. Consolidates all such reports (program planning & variance reports) for a uniform submittal to our Honolulu office (5%).
- e. Services the Board of Taxation Review and Disaster Claims Commission or its members; types agenda for meetings including the assembly of informational data on business and/or appeals to be transacted; follows up on actions taken by the boards and commissions which require administrative actions (5%).

Position Classification Form of Position No. 1600, Compliance Division, Hawaii County (Exhibit 2).



Based on such typical duties and responsibilities, the subject positions have been proposed for inclusion in bargaining unit 3.

#### CONCLUSIONS OF LAW

Petitioner has requested the inclusion of Position Nos. 1574, 1625 and 1600 in bargaining unit 3.

Subsection 89-6(c), HRS, specifies that individuals concerned with confidential matters affecting employee-employer relations shall be excluded from any appropriate bargaining unit. The HGEA, in its petition, argues that the basis for excluding the Secretary II positions was removed when their excluded supervisors' (District Tax Administrator) positions were abolished and the subject positions were made to report to included supervisors. As noted, supra, in Decision No. 253, the secretaries' present supervisors, the District Tax Assessors and District Tax Collectors, were deemed to be included employees after the divisional reorganization. The State, through its withdrawal of its objections to the petition for clarification or amendment of appropriate bargaining unit, offers no objection to the proposed inclusion.

After a complete review of the duties and responsibilities of Position Nos. 1574, 1600 and 1625, the Board concludes that the positions should be included in bargaining unit 3 and coverage under Chapter 89, HRS. The positions do not presently work in the regular course of employment with confidential information, including items pertaining to labor relations and


collective bargaining. Thus, the positions are not deemed to be excludable from bargaining unit 3 and coverage under Chapter 89, HRS, as confidential employees.

ORDER

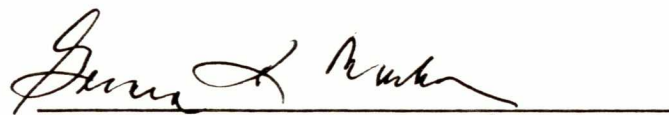
Position Nos. 1574, 1600 and 1625, Secretary II's, are included in bargaining unit 3.

DATED: Honolulu, Hawaii, April 29, 1988.

HAWAII LABOR RELATIONS BOARD

  
MACK H. HAMADA, Chairperson

  
JAMES R. CARRAS, Board Member

  
GERALD K. MACHIDA, Board Member

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