

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. RA-03-145
)	
HANNIBAL TAVARES, Mayor of the)	DECISION NO. 270
County of Maui,)	
)	FINDINGS OF FACT, CONCLU-
Petitioner.)	SIONS OF LAW AND ORDER
)	

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 No. PW-0253, classified to a new class, entitled Specialty Plans Examiner (Electrical or Plumbing), in bargaining unit 3 (Non 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-0253, dated October 19, 1987;
2. Position description for the Electrical Inspection Trainee (Exhibit A);
3. Class specifications for the Specialty Plans Examiner (Electrical or Plumbing) (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-0253 has been reclassified to a new class entitled Specialty Plans Examiner (Electrical or Plumbing), and is located in the Land Use and Codes Administration Division, Department of Public Works, County of Maui. Position No. PW-0253 is required to review and process building plans for compliance with provisions of applicable building codes, county ordinances, and State laws. More specifically, the position performs the following duties in the approximate percentages of work time:

1. Reviews complex building plans and specifications for compliance with electrical ordinances and other legal requirements established by the State Legislature, County Council, executive County agencies and the Director of Public Works; meets with designers, contractors, and the general public to explain proper procedures in submitting plans and specifications for projects; approves or disapproves plans submitted with

appropriate rationale, and submits them to the Chief of Plans Review (65%);

2. Keeps records of all plans checked and prepares correspondence and periodic reports; on occasion, testifies on actions before boards, commissions, courts of law, or other governmental bodies (15%);

3. Provides 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. As required processes and issues electrical permits, including the collection of appropriate fees (5%);

5. As required performs field inspections on projects reviewed to ensure compliance with building rules, ordinances, and State laws (5%); and

6. Performs all other related duties (5%).

Based on these duties and responsibilities, Position No. PW-0253 has been reclassified to a new class entitled Specialty Plans Examiner (Electrical or Plumbing), 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-0253, the Board concludes that the position is responsible for reviewing and processing complex building plans for compliance with provisions of applicable building codes, ordinances, and State laws. Further, the position performs duties which are generally white collar in nature with no supervisory duties. As such, Employer's proposed inclusion of Position No. PW-0253 in bargaining unit 3 is consistent with Subsection 89-6(a), HRS.

ORDER

Position No. PW-0253, entitled Specialty Plans Examiner (Electrical or Plumbing), is included in bargaining unit 3.

DATED: Honolulu, Hawaii, May 11, 1988.

HAWAII LABOR RELATIONS BOARD



MACK H. HAMADA, Chairperson



JAMES R. CARRAS, Board Member



GERALD K. MACHIDA, Board Member

HANNIBAL TAVARES, Mayor of the County of Maui; CASE NO. RA-03-145
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