

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. RA-03-146
)	
HANNIBAL TAVARES, Mayor of the)	DECISION NO. 271
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 Nos. PW-0331, PW-0392, PW-0436, PW-0440, and PW-0441, reclassified to a new class entitled Building and Planning Inspector I and II, respectively, 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 Nos. PW-0331, PW-0392, PW-0436, PW-0440, and PW-0441, dated October 19, 1987;
2. Position descriptions for the Building Inspector I and II, respectively (Exhibits A, B, C, D and E);
3. Class specifications for the Building and Planning Inspector (Exhibit F); and

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

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 Nos. PW-0331, PW-0392, PW-0436, PW-0440, and PW-0441, have been reclassified to a new class entitled Building and Planning Inspector, and are located in the Land Use and Codes Administration Division, Department of Public Works, County of Maui. Position Nos. PW-0331, PW-0392, PW-0436, PW-0440, and PW-0441, are required to independently conduct all inspections relative to the enforcement of building ordinances, housing ordinances, zoning ordinances, and other applicable county building ordinances or State laws, as they concern the construction, alteration and maintenance of buildings and structures. More specifically, the positions perform the following duties:

- Inspect the plans and specifications for the placement, size, construction, alteration and maintenance of buildings and structures, for compliance with the provisions of the Uniform

Building Code and Sign Ordinances; check size, method of construction, and quality of materials used for walls, floors, roofs, structural steel work, foundations, lathing, and plastering; inspect existing buildings for structural failures to determine hazardous conditions that require maintenance or repair; locate construction projects or building alterations being performed to ensure compliance with applicable rules, regulations, ordinances, and laws; inspect residential, hotel, apartment, and other buildings used for human habitation for compliance with applicable laws, ordinances, rules and regulations; receive and process various construction permits; collect and deposit monies; prepare reports and correspondence; issue stop-work orders when necessary; maintain record of activities; provide information of pertinent laws, ordinances, rules and regulations to owners, contractors and the public; issue citations; and testify in court as needed.

Based on these duties and responsibilities, Position Nos. PW-0331, PW-0392, PW-0436, PW-0440, and PW-0441, have been reclassified to a new class entitled Building and Planning Inspector, 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-0331, PW-0392, PW-0436, PW-0440, and PW-0441, the Board concludes that the positions are responsible for enforcing provisions of building codes, ordinances, and State laws, as it relates to the construction, alteration, or maintenance of buildings and structures. Further, the positions' duties and responsibilities are white collar in nature, with no supervisory duties. As such, Employer's proposed inclusion of Position Nos. PW-0331, PW-0392, PW-0436, PW-0440 and PW-0441, in bargaining unit 3 is consistent with Subsection 89-6(a), HRS.

ORDER

Position Nos. PW-0331, PW-0392, PW-0436, PW-0440, and PW-0441, entitled Building and Planning Inspector, are 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-03-146
DECISION NO. 271
FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Copies sent to:

Manabu Kimura
Joyce Najita, IRC
Robert Hasegawa, CLEAR
State Archives
Publications Distribution Center
University of Hawaii Library
Library of Congress
Richardson School of Law