

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. RA-01-144
)	
HANNIBAL TAVARES, Mayor of the)	DECISION NO. 285
County of Maui,)	
)	FINDINGS OF FACT, CONCLU-
)	SIONS OF LAW AND ORDER
Petitioner.)	
_____)	

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

On November 9, 1987, 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 that Position No. PW-0484, Landfill Attendant, a new position, be allocated for inclusion in bargaining unit 1 [Nonsupervisory employees in blue 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-0484;
2. Position description for Sanitary Landfill Attendant (Exhibit A);
3. Class specifications for Sanitary Landfill Attendant (Exhibit B);
4. Table of Organization for the Department of Public Works, Highways Division, County of Maui (Exhibit C); and

5. Letter dated August 11, 1987, from Manabu Kimura, Director of Personnel Services, County of Maui, to Gary Rodrigues, State Director, United Public Workers, regarding the inclusion of the subject position in bargaining unit 1.

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 1.

The UPW is the exclusive representative, as defined in Section 89-2, HRS, of employees in bargaining unit 1. The UPW concurs with the proposed inclusion of Position No. PW-0484 and is deemed to have waived the right to a hearing thereon (Exhibit D).

Position No. PW-0484, a new position, has been allocated to a class entitled Sanitary Landfill Attendant, and is located in the Highways Division, Department of Public Works, County of Maui.

Position No. PW-0484 is responsible for directing incoming refuse vehicles to proper dumping areas, and to ensure that users of the landfill observe the applicable rules and regulations regarding use of the sanitary landfill. More specifically, the position performs the following duties:

- Assist the bulldozer operator in establishing separate dumping areas for hand and mechanical unloading vehicles;

- Direct incoming refuse carrying vehicles to proper dumping areas;
- Redirect traffic with flammable or toxic liquids to designated areas;
- Provide information as required to the public on applicable rules and regulations regarding the sanitary landfill;
- Monitor landfill for any extraordinary situations that may arise i.e., fires, overturned vehicles, etc.;
- Perform general maintenance and groundskeeping tasks;
- Operate a pick-up truck as required; and
- Secure facility at closing.

Based on these duties and responsibilities, Position No. PW-0484, a new position, has been allocated to the Sanitary Landfill Attendant class, and is proposed for inclusion in bargaining unit 1.

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:

* * *

- (1) Nonsupervisory employees in blue collar positions;. . .

After a complete review of the duties and responsibilities of Position No. PW-0484, the Board concludes that the position is responsible for performing a variety of manual and supportive tasks at a sanitary landfill site. Further, the

position performs duties which are generally blue collar, non-supervisory in nature. As such, Employer's proposed inclusion of Position No. PW-0484 in bargaining unit 1 is consistent with Section 89-6(a), HRS.

ORDER

Position No. PW-0484, entitled Sanitary Landfill Attendant, is included in bargaining unit 1.

DATED: Honolulu, Hawaii, October 25, 1988.

HAWAII LABOR RELATIONS BOARD


MACK H. HAMADA, Chairperson


JAMES R. CARRAS, Board Member


GERALD K. MACHIDA, Board Member

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