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## FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

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On November 10, 2005, Petitioner COUNTY OF HAWAII (Petitioner or Hawaii County), by its representative and Director of Personnel Michael R. Ben (Ben), filed the instant petition with the Hawaii Labor Relations Board (Board). Petitioner alleges that due to a reorganization of the Panaewa Recreation Complex, Position No. 2505, formerly a Zoo Animal Keeper III, WS-07, was reclassified to Panaewa Recreation Complex Supervisor, FI-07. Petitioner alleges that the classification change reflects the performance of work from a working supervisor to a full supervisor and proposes the amendment of the bargaining unit of the position from Bargaining Unit (Unit) 01 to Unit 02. Ben states in an affidavit attached to the position that the Hawaii Government Employees Association (HGEA) concurs with the proposed bargaining unit amendment but that the United Public Workers (UPW) has not yet replied to its request for approval.

On November 16, 2005, the Board issued a Notice of Receipt of Petition for Clarification or Amendment of Appropriate Bargaining Unit; Notice of Deadline for Filing Petitions for Intervention to the HGEA and the UPW. The deadline to file Petitions for Intervention was December 1, 2005. No Petitions for Intervention were filed in this matter.

Based upon a review of the petition, the Board makes the following findings of fact, conclusions of law and order.

## FINDINGS OF FACT

1. The COUNTY OF HAWAII is the public employer, as defined in Hawaii Revised Statutes (HRS) § 89-2, of the employees of the County, including the employees in Units 01 and 02.
2. The HGEA is the exclusive representative, as defined in HRS § 89-2, of employees in Unit 02.

3. According to the position description for the Panaewa Recreation Complex Supervisor, the position works under the general supervision of the Panaewa Recreation Complex Manager and is responsible for directing, coordinating, and supervising all activities dealing with the care and exhibition of all avians, amphibians, mammals and reptiles in the zoo collection. The position also supervises all maintenance of facilities and grounds at the Panaewa Recreation Complex, which includes the Panaewa Rainforest Zoo and Panaewa Equestrian Center. The position will perform the following duties in the approximate percentage of worktime:
  - a. Supervises and inspects the daily activities of Zoo Animal Keepers and Building and Grounds Utility workers who are involved in tasks including feeding watering, medicating, cleaning animal pens and yards, and maintenance of buildings, grounds, and equipment. Supervision includes preparation of feeding schedules; selecting and ordering food, supplies, herbicides, fertilizers, plants and equipment; collecting information on animal health, behavior and propagation; participation in animal capture and transfer, and treatment of animals with illness or injuries. 45%
  - b. Plans, organizes, prepares work schedules and designates work assignments of Zoo Animal Keepers and Building and Grounds Utility Workers through oral and written instruction and reports, including: job performance reports, accident/injury reports, training reports, timesheets, quarterly progress reports, etc.; utilizes a personal computer for preparation of reports, timesheets, data accumulation and maintenance, and correspondence as needed; maintains equipment inventory, records of work assignments, controls inventory and purchases for perishable food, plant and animal supplies, tools, employee personal safety equipment and repair and replacement parts as needed. 30%
  - c. Trains personnel in safe and proper animal husbandry and zookeeping techniques, that include health observation and disease recognition, and administration of supplements and medications. Also trains personnel in the care, safety and proper use of all tools, equipment, pesticides, herbicides, and fertilizers. Investigates complaints and grievances and prepares reports; makes recommendations on disciplinary actions and personnel movements, and counsels employees as needed. 10%
  - d. Supervises and directs the work of Senior Enrollees and Volunteers. Furnishes information to zoo visitors and assists in implementation of educational programs and activities. 5%

- e. Possesses a valid driver's license. Operates a motor vehicle, utility vehicle and tractor as needed to inspect the animals, grounds and facilities; transports personnel and materials to job sites; transports animals for transfer. Prepares the zoo and equestrian center for special functions and activities as needed. Keeps abreast of new trends, techniques, and technologies in zoo and animal management. 5%
- f. Uses firearms, darts and tranquilizer equipment in emergency situations and for medical conditions, and maintains standard safety protocol and current training. 2%
- g. Performs other related duties as requested, including attending meetings, training workshops, etc. 3%

Exhibit C.

- 4. According to the class specifications, the Panaewa Recreation Complex Supervisor supervises a crew caring for a variety of mammals, avians, amphibians, and reptiles in the Panaewa Rainforest Zoo collection; supervises the maintenance of upkeep of the facilities and grounds at the Panaewa Recreation Complex; and performs other related duties as required. The class is distinguished by its responsibility to plan and supervise the care of animals at the Panaewa Rainforest Zoo and supervise the maintenance and upkeep of the facilities and grounds at the Panaewa Recreation Complex, which includes the Panaewa Rainforest Zoo and Panaewa Equestrian Center.

Exhibit D.

- 5. By letter dated August 29, 2005, Deputy Director of Personnel Rodney T. Kaido (Kaido) notified Russell Okata, Executive Director, HGEA of the change in Bargaining Unit of the Panaewa Recreation Complex Supervisor from Unit 01 to 02 as a result of a reorganization and classification action. Kaido explained that the Panaewa Recreation Complex facilities, grounds and botanical garden had expanded with the help of community organizations and volunteers and the visitor count had increased. As a result the reallocation of the position was necessary to assign the position the responsibility to oversee the daily operations of the facility and allow the Panaewa Recreation Complex Manager to focus on managing the operations of the complex. On September 2, 2005, Randy Perreira, HGEA Deputy Director indicated his concurrence with the proposed bargaining unit change.

Exhibit B.

6. By letter dated September 15, 2005, Kaido notified Dayton Nakanelua, UPW State Director, of the change in bargaining unit of Position No. 2505. Exhibit C. The UPW did not reply to the correspondence. Affidavit of Ben, dated November 7, 2005.
7. The Board finds that Position No. 2505, Panaewa Recreation Complex Supervisor should be included in Unit 02 because the duties and responsibilities of the position were changed from those of a working supervisor to a full supervisor responsible to supervise the crew in the care of the animals at the Panaewa Rainforest Zoo and the maintenance and upkeep of the facilities and grounds at the Panaewa Recreation Complex.

### CONCLUSIONS OF LAW

1. The Board has jurisdiction over the subject petition pursuant to HRS § 89-6.
2. HRS § 89-6(a) provides, in part, as follows:

All employees throughout the State within any of the following categories shall constitute an appropriate bargaining unit:

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

3. HRS § 89-6(c) provides, in part:

In differentiating supervisory from nonsupervisory employees, class titles shall not be the basis for determination. The nature of work, including whether a major portion of the working time of a supervisory employee is spent as part of a crew or team with nonsupervisory employees, shall be considered also.

4. After a complete review of the duties and responsibilities of Position No. 2505, Panaewa Recreation Complex Supervisor, the Board concludes that the position is responsible for supervising the crew in performing a variety of tasks to maintain the animals, buildings, and grounds of the Panaewa Recreation Complex which includes the Zoo and the Equestrian Center. The record clearly indicates that the position is responsible for assigning and directing the work of the other employees and makes decisions on work activities including determining priorities, training, and evaluating the job performance of subordinates. Moreover, the position does not spend a major portion of

working time as part of the crew but rather as a full time supervisor directing the work of the crew. The position's duties and responsibilities are supervisory blue collar in nature. As such, the Employer's proposed inclusion of Position No. 2505 in Unit 02 is consistent with HRS § 89-6(a).

ORDER

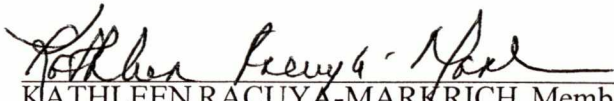
Unit 02. Position No. 2505, Panaewa Recreation Complex Supervisor, is included in

DATED: Honolulu, Hawaii, January 12, 2006.

HAWAII LABOR RELATIONS BOARD

  
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Joyce Najita, IRC  
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