

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)
)
FRANK F. FASI, Mayor of the)
City and County of Honolulu,)
)
Petitioner,)
)
and)
)
HAWAII GOVERNMENT EMPLOYEES)
ASSOCIATION, AFSCME, LOCAL 152,)
AFL-CIO,)
)
Exclusive)
Representative.)

CASE NOS.: S-03-36a
S-04-36b
S-13-36c

ORDER NO. 1046

ORDER APPROVING SECOND
STIPULATION OF PARTIES;
EXHIBIT A

In the Matter of)
)
FRANK F. FASI, Mayor of the)
City and County of Honolulu,)
)
Petitioner,)
)
and)
)
HAWAII GOVERNMENT EMPLOYEES)
ASSOCIATION, AFSCME, LOCAL 152,)
AFL-CIO,)
)
Exclusive)
Representative.)

CASE NOS.: S-03-37a
S-04-37b
S-13-37c

In the Matter of)
)
FRANK F. FASI, Mayor of the)
City and County of Honolulu,)
)
Petitioner,)
)
and)
)
HAWAII GOVERNMENT EMPLOYEES)
ASSOCIATION, AFSCME, LOCAL 152,)
AFL-CIO,)
)
Exclusive)
Representative.)

CASE NOS.: S-03-38a
S-04-38b
S-13-38c

In the Matter of)
)
FRANK F. FASI, Mayor of the)
City and County of Honolulu)
)
Petitioner,)
)
and)
)
HAWAII GOVERNMENT EMPLOYEES)
ASSOCIATION, AFSCME, LOCAL 152,)
AFL-CIO,)
)
Exclusive)
Representative.)

CASE NOS.: S-03-39a
S-04-39b
S-13-39c

In the Matter of)
)
FRANK F. FASI, Mayor of the)
City and County of Honolulu,)
)
Petitioner,)
)
and)
)
HAWAII GOVERNMENT EMPLOYEES)
ASSOCIATION, AFSCME, LOCAL 152,)
AFL-CIO,)
)
Exclusive)
Representative.)

CASE NOS.: S-03-44a
S-04-44b
S-13-44c

ORDER APPROVING SECOND STIPULATION OF PARTIES

Petitioner FRANK F. FASI, Mayor of the City and County of Honolulu (Employer) and Exclusive Representative HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO (HGEA) previously entered into a stipulation regarding essential workers which was approved by the Hawaii Labor Relations Board (Board) in Order No. 1044, dated April 17, 1994. The parties subsequently entered into a second stipulation in which they stipulated and agreed that additional employees are essential pursuant to § 89-12, Hawaii

Revised Statutes, and are therefore prohibited from participating in a strike against the Employer.

The Board, as part of its investigation, has reviewed the second stipulation of parties and finds that the positions identified by the parties in their second stipulation are essential to protect the health and safety of the public. Accordingly, the Board hereby orders that the positions identified in the second stipulation of parties, attached hereto as Exhibit A, and incorporated by reference herein, are essential and are required to be staffed in order to avoid an imminent or present danger to the health and safety of the public.

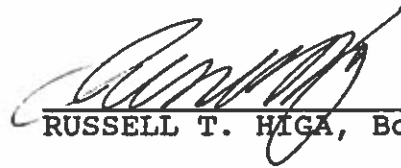
The Board further orders that the General Orders issued in Order No. 1044, dated April 17, 1994, are hereby incorporated by reference herein and are made applicable.

DATED: Honolulu, Hawaii, April 17, 1994.

HAWAII LABOR RELATIONS BOARD



BERT M. TOMASU, Chairperson



RUSSELL T. HIGA, Board Member

Copies sent to:

Arnold T. Abe, Deputy Corporation Counsel
Charles K.Y. Khim, Esq.
Noel Ono
Michael Yuen
Joyce Najita, IRC

RONALD B. MUN, 1205
Corporation Counsel
ARNOLD T. ABE, 774
Deputy Corporation Counsel
City and County of Honolulu
Honolulu, Hawaii 96813
Telephone: 523-4727

Attorneys for Petitioner

'94 APR 17 PM 11

HAWAII LABOR BOARD

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

FRANK F. FASI, Mayor of the
City and County of Honolulu

Petitioner,
v.

HAWAII GOVERNMENT EMPLOYEES'
ASSOCIATION LOCAL 152, AFSCME,
AFL-CIO

Exclusive
Representative.

Case No. S-03-36a,
S-04-36b,
S-13-36c

FRANK F. FASI, Mayor of the
City and County of Honolulu

Petitioner,
v.

HAWAII GOVERNMENT EMPLOYEES'
ASSOCIATION LOCAL 152, AFSCME,
AFL-CIO

Exclusive
Representative.

Case No. S-03-37a,
S-04-37b,
S-13-37c

CAPTION CONTINUES ON NEXT PAGE

EXHIBIT "A"

FRANK F. FASI, Mayor of the
City and County of Honolulu

Petitioner,

v.

HAWAII GOVERNMENT EMPLOYEES'
ASSOCIATION LOCAL 152, AFSCME,
AFL-CIO

Exclusive
Representative.

FRANK F. FASI, Mayor of the
City and County of Honolulu

Petitioner,

v.

HAWAII GOVERNMENT EMPLOYEES'
ASSOCIATION LOCAL 152, AFSCME,
AFL-CIO

Exclusive
Representative.

FRANK F. FASI, Mayor of the
City and County of Honolulu

Petitioner,

v.

HAWAII GOVERNMENT EMPLOYEES'
ASSOCIATION LOCAL 152, AFSCME,
AFL-CIO

Exclusive
Representative.

Case No. S-03-38a,
S-04-38b,
S-13-38c

Case No. S-03-39a,
S-04-39b,
S-13-39c

Case No. S-03-44a,
S-04-44b,
S-13-44c

SECOND STIPULATION TO
DECLARE CERTAIN EMPLOYEES
ESSENTIAL WORKERS; EXHIBIT
A;

SECOND STIPULATION TO DECLARE CERTAIN
EMPLOYEES ESSENTIAL WORKERS

The Exclusive Representative HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, LOCAL 152, AFSCME, AFL-CIO, (hereinafter "HGEA" or "Exclusive Representative"), and FRANK F. FASI, Mayor of the City and County of Honolulu (hereinafter "Employer"), hereby stipulate and agree as follows:

1. The employees of the Employer, set forth in exhibit "A", attached hereto and incorporated by reference herein, are essential workers pursuant to Section 89-12, Hawaii Revised Statutes ["H.R.S."], and therefore are prohibited from participating in a strike against Employer.

2. Essential employees included in this Second Stipulation, together with the essential employees included in Hawaii Labor Relations Board (hereinafter "Board") Order No. 1044 as it applies to the City and County of Honolulu and Employer, shall be the only employees deemed essential workers pursuant to Section 89-12, H.R.S.;

3. This stipulation, which hereby incorporates by reference the first stipulation in Board Order No. 1044, is a final and binding resolution of the dispute and the underlying facts and circumstances which form the subject matter of the above-entitled cases;

4. The number and classifications of essential workers which are provided for herein can be modified only upon the expressed written consent of the parties herein, and only for the purpose of ameliorating an imminent or present danger to the health and safety to the public, with such consent not being


unreasonably withheld. As utilized herein, the phrase "imminent or present danger to the health or safety of the public" shall mean a specifically identifiable harm that will directly cause or is very likely to cause physical harm to a person;

5. In the assignment of incumbents or employees to essential employees, Employer shall refrain from assigning persons designated as picket line captains, stewards, negotiation team members and members of the HGEA Board of Directors unless there are no other employees capable of satisfactorily performing the functions, duties and responsibilities of the essential positions; and,

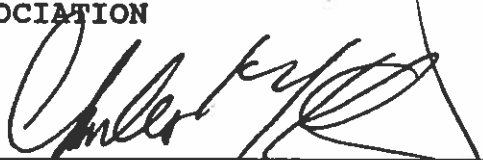
6. The HGEA shall furnish Employer with the names of picket line captains, stewards, negotiating team members and members of the Board of Directors forthwith.

DATED: Honolulu, Hawaii, April 17, 1994.

FRANK F. FASI, Mayor of the
CITY AND COUNTY OF HONOLULU

by 
CYNTHIA M. BOND, DIRECTOR
DEPARTMENT OF PERSONNEL
CITY AND COUNTY OF HONOLULU

HAWAII GOVERNMENT EMPLOYEES'
ASSOCIATION

by 
CHARLES K.Y. KHIM

BOARD OF WATER SUPPLY

<u>BU</u>	<u>CLASS TITLE</u>	<u>NO.</u>	<u>WHEN NEEDED</u>
<u>I. Customer Service (Investigation Section)</u>			
BU 04	Supvg. Wtr. Svs. Investigator I	(2)	M-F, 8 hr. day On-Call after hrs.
BU 04	Supvg. Wtr. Svs. Investigator II	(1)	M-F, 8 hr. day On-Call after hrs.
<u>II. Planning & Engineering (Water Quality Section)</u>			
BU 13	Water Microbiologist V	(1)	M-F; 8-hr. day
BU 13	Water Microbiologist IV	(1)	M-F; 8-hr. day
BU 13	Water Microbiologist III	(1)	M-F; 8-hr. day
BU 13	Chemist V	(1)	M-F; 8-hr. day
BU 13	Chemist IV	(1)	M-F; 8-hr. day
<u>III. Field Operations (Various Yards)</u>			
BU 03	Water Service Clerk-Dispatcher	(1)	M-F; 8-hr. day
BU 04	Water Service Superintendent	(2)	M-F; 8-hr. day
	1 - Kalihi Corporation Yard		
	1 - Heeia Corporation Yard		
<u>IV. Plant Operations (Island-wide)</u>			
BU 03	Radio Technician II	(1)	M-F; 8-hr. day On-call after hrs.
BU 03	Radio Technician I	(1)	M-F; 8-hr. day On-call after hrs.

Ex. "A"

BUILDING

<u>BU</u>	<u>CLASS TITLE</u>	<u>NO.</u>	<u>WHEN NEEDED</u>
I.	<u>PLANNING & CONSTRUCTION DIVISION</u> <u>(ENERGY CONSERVATION BRANCH)</u>		
BU 13	Mechanical Engineer VI,	(1)	On-Call
II.	<u>PUBLIC BLDG. PLANNING/ CONSTRUCTION DIVISION</u> <u>(COMMUNICATION BRANCH)</u>		
BU 13	Communications Coordinator	(1)	M-F; 8-hr. day; On-call after hrs.

HEALTH (EMS Division)

<u>BU</u>	<u>CLASS TITLE</u>	<u>NO.</u>	<u>WHEN NEEDED</u>
I.	<u>EMS Medical Supply Section</u>		
BU 03	Storekeeper I	(1)	M-F; 8-hr. day

MEDICAL EXAMINER

<u>BU</u>	<u>CLASS TITLE</u>	<u>NO.</u>	<u>WHEN NEEDED</u>
BU 13	Anatomic/Forensic Pathologist	(1)	8-hr. day; 5 days/wk. On-call after hrs.
BU 13	Medical Technologist II	(2)	8-hr. day; 5 days/wk. On-call after hrs.
BU 04	Medical Examiner Investigator III	(1)	8-hr. day; 5 days/wk. On-call after hrs.
BU 03	Medical Examiner Investigator II	(6)	8-hr. day; 5 days/wk. On-Call after hrs.
BU 03	Medical Records Technician	(1)	8-hr. day; 5 days/wk. On-Call after hrs.

PUBLIC WORKS (AES)

<u>BU</u>	<u>CLASS TITLE</u>	<u>NO.</u>	<u>WHEN NEEDED</u>
<u>Honolulu Storeroom</u>			
BU 13	Property & Supply Mngr.	(1)	M-F; 8-hr. day
BU 03	Storekeeper II	(1)	M-F; 8-hr. day
<u>Kapaa Yard</u>			
BU 03	Storekeeper I	(1)	M-F; 8-hr. day
<u>Pearl City Shop</u>			
BU 03	Storekeeper I	(1)	M-F; 8-hr. day
<u>Honolulu Administration</u>			
BU 03	Auto Equip. Supt. I	(1)	M-F; 8-hr. day
<u>Honolulu Control Group</u>			
BU 03	Produc. Contrl. Tech. III	(1)	M-F; 8-hr. day
BU 03	Produc. Contrl. Tech. I	(2)	M-F; 8-hr. day

WASTEWATER MANAGEMENT

<u>BU</u>	<u>CLASS TITLE</u>	<u>NO.</u>	<u>WHEN NEEDED</u>
<u>I. TREATMENT & DISPOSAL DIVISION:</u>			
<u>Administration (Sand Island)</u>			
BU 13	Civil Engineer VI	(1)	8-hr. Standby
BU 13	WW Plant Engineer II	(1)	8-hr. Standby
BU 13	WW Plant Engineer I	(1)	8-hr. Standby
BU 03	Plant Maint. Tech.	(4)	M-F; 4-hr. day
<u>Administration (Sand Island Storeroom)</u>			
BU 03	Storekeeper III	(1)	M-F; 8-hr. day
BU 03	Storekeeper I	(1)	M-F; 8-hr. day
<u>Mechanical/Maintenance (Sand Island)</u>			
BU 13	WW Plt. Mech/Maint. Sec. Supt.	(1)	M-F; 8-hr. day
<u>Electrical/Electronics (Sand Island)</u>			
BU 13	WW Plt. E/E Sec. Supt.	(1)	M-F; 8-hr. day
<u>Metro Operation (Sand Island)</u>			
BU 13	WW Plt. Supt.	(1)	8-hr. day; 5 days/wk. On-Call after hrs.
BU 13	WW Pumping Syst. Supt.	(1)	8-hr. day; 5 days/wk. On-Call after hrs.
BU 04	WW Process Supt.	(1)	8-hr. day; 5 days/wk. On-Call after hrs.
<u>Metro Operations (Sand Island-Maint.)</u>			
BU 04	WW Plt. Maint. Supt.	(1)	M-F; 8-hr. day
<u>Leeward Operations (Honouliuli WWTP)</u>			
BU 13	WW Plt. Supt.	(1)	5 days/wk.
BU 04	WW Plt. Process Supt.	(1)	5 days/wk.
<u>Leeward Operations (Honouliuli WWTP-Maint)</u>			

BU 04	WW Plt. Maint. Supt.	(1)	M-F; 8-hr. day
BU 03	Storekeeper I	(1)	M-F; 8-hr. day

Windward Operations (Kailua WWTP-Maint.)

BU 04	WW Plt. Maint. Supt.	(1)	M-F; 8-hr. day
-------	----------------------	-----	----------------

Windward Operations (Kailua WWTP-Treatment)

BU 13	Asst. WW Plt. Supt.	(1)	M-F; 8-hr. day
-------	---------------------	-----	----------------

BU 04	WW Plt. Process Supt.	(1)	M-F; 8-hr. day
-------	-----------------------	-----	----------------

BU 13	Sanitary Chemist III	(1)	8-hr. day; 5 days/week On Call after hours
-------	----------------------	-----	---

II. PLANNING & PUBLIC SERVICE DIV., WATER QUALITY BRANCH

Monitoring & Compliance:

BU 13	Civil Engineer VI	(1)	M-F; 8-hr. day
-------	-------------------	-----	----------------

BU 13	Civil Engineer V	(3)	M-F; 8-hr. day
-------	------------------	-----	----------------

Source Control:

BU 13	Civil Engineer III	(1)	On call
-------	--------------------	-----	---------

BU 04	Sr. WW Serv. Investigator	(1)	On call
-------	---------------------------	-----	---------

BU 03	WW Serv. Investigator	(1)	On call
-------	-----------------------	-----	---------

Laboratory/Oceanographic Team:

BU 13	Sanitary Chemist V	(1)	8-hr. day; 5 days/wk. On call after hrs.
-------	--------------------	-----	---

BU 13	Sanitary Chemist (3 of 5 at III or IV level)	(3)	8-hr. day; 5 days/wk. On call after hrs.
-------	--	-----	---

BU 04	Supv. WQ Technician	(1)	8-hr. day; 5 days/wk. On call after hrs.
-------	---------------------	-----	---

BU 03	WQ Technician III	(1)	8-hr. day; 5 days/wk. On call after hrs.
-------	-------------------	-----	---

BU 03	WQ Technician II	(4)	8-hr. day; 5 days/wk. On call after hrs.
-------	------------------	-----	---

PUBLIC WORKS (REFUSE)

<u>BU</u>	<u>CLASS TITLE</u>	<u>NO.</u>	<u>WHEN NEEDED</u>
BU 04	Dist. RoadMaint. Supt.	(4)	On-call
BU 04	Refuse Collection Supt. I	(3)	On-call
BU 04	Refuse Collection Supt. II	(1)	On-call
BU 03	Refuse Coll.Clerical Asst.	(1)	On-call
BU 03	Clerk	(1)	On-call

Keehi, Kapaa & Kawaihoa Transfer Stations

BU 03	Scale Attendant	(2)	
	Keehi	(1)	5 days/wk.; 8-hr. day
	Kapaa	(1)	4 days/wk.; 10-hr. day
BU 13	Civil Engineer VI	(1)	M-F; 8-hr. day
BU 04	Refuse Disp.Fac.Supt.	(1)	On-call

HOUSING & COMMUNITY DEVELOPMENT

<u>BU</u>	<u>CLASS TITLE</u>	<u>NO.</u>	<u>WHEN REQUIRED</u>
BU 13	Civil Engineer	(1)	M-F; 8-hour day
BU 03	Construction Inspector	(2)	M-F; 8-hour day

PARKS AND RECREATION

Construction Inspection Branch

BU 03	Sr. Bldg. Const. Inspectors	(3)	M-F; 8-hour day
-------	-----------------------------	-----	-----------------

Parks Maintenance & Recreation Services

BU 13	Parks Grnds & Facilities Maint. Specialist	(1)	M-F; 8-hour day
-------	---	-----	-----------------

PUBLIC WORKS

Division of Engineering (Construction Section)

BU 13	Civil Engineer	(2)	M-F; 8-hour day
BU 04	Supvr. Construction Insp.	(2)	M-F; 8-hour day

BU 03 Construction Inspectors (11) M-F; 8-hour day

WASTEWATER MANAGEMENT

BU 13 Civil Engineer V (3) M-F; 8-hour day

BU 03 Construction Inspectors (6) M-F; 8-hour day

BUILDING

Building Safety Division

BU 03 Sr. Building Inspector (2) M-F; 8-hour day

BU 03 Sr. Plumbing Inspector (2) M-F; 8-hour day

BU 03 Sr. Electrical Inspector (2) M-F; 8-hour day