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HAWAII
LABOR RELATIONS BOARD

Attorneys for Intervenor, COUNTY OF HAWAII
and DEPARTMENT OF PUBLIC WORKS,
COUNTY OF HAWAII

HAWAII LABOR RELATIONS BOARD

STATE OF HAWAII

In the Matter of

UNITED PUBLIC WORKERS,
AFSCME, LOCAL 646, AFL-CIO,

Petitioner,

and

COUNTY OF HAWAII and DEPARTMENT
OF PUBLIC WORKS, COUNTY OF
HAWAII,

Intervenors.

CASE NOS. RA-01-216a
RA-02-216b

STIPULATION AND ORDER

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STIPULATION AND ORDER

COMES NOW the United Public Workers, AFSCME, Local 646, AFL-CIO ("UPW" or "Union") and the County of Hawai'i ("County") and hereby stipulate to the following terms and conditions to resolve the above-entitled matter.

1. The UPW is an employee organization and the exclusive representative of blue collar non-supervisory employees in bargaining unit 1.
2. The County of Hawai'i is a public employer within the meaning of Section 89-2, Hawai'i Revised Statutes ("HRS"), which operates the Highway Maintenance Division in the Department of Public Works on the island of Hawai'i.
3. On or about October 1, 2004, and thereafter, the County of Hawai'i reorganized its Highway Maintenance Division by reallocating four Road Construction Maintenance Supervisor I (WS-10) positions to Road Construction Maintenance Supervisor II (FI-10) positions, and by adding 18 (eighteen) Laborer II positions.
4. On February 22, 2005, the UPW filed a petition for clarification and amendment of appropriate bargaining unit in RA-01-216a and RA-02-216b, in connection with position number 1158 (in the South Hilo District), position number 1740 (in the Hamakua District), position number 1244 (in the North and South Kohala District), and position number 3645 (in the North and South Kona District).
5. The County of Hawai'i has assured the UPW that it has no intention of reallocating or removing from bargaining unit 1 Road Construction Maintenance Supervisor I (WS-10) positions currently assigned in the Puna District (Position 3644), and in the South Hilo District (Positions 1064, 1074, and 1077), and has no intention of diminishing work opportunity to WS-10 level positions within bargaining unit 1.
6. In addition, the County of Hawai'i anticipates a need for additional staffing and new positions in the Highway Maintenance Division, particularly in the Puna and Hamakua Districts, due to the expansion of the County's jurisdiction over "roads in limbo" in said areas.

7. In order to accommodate the added increase in workload in the Highway Maintenance Division, the County of Hawai'i agrees to phase in two or more Road Construction Maintenance Supervisor I (WS-10) positions, subject to available funds and approval by the County Council.

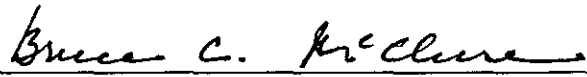
8. Based on the foregoing, the UPW agrees to the placement of position numbers 1158, 1740, 1244, and 3645 into bargaining unit 2.

9. The parties agree that a violation of the terms and conditions of this Stipulation and Order shall constitute a prohibited practice, in violation of Section 89-13(a)(5), HRS.

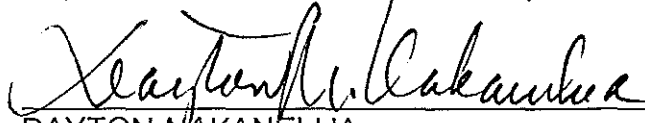
Dated: Hilo, Hawai'i, FEB 21 2006.



~~HARRY S. KIM, Mayor~~ ~~DIRIE KAETSU, Managing Director~~
County of Hawai'i

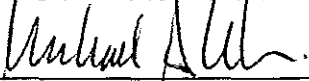


BRUCE McCLURE, Director
Department of Public Works, County of Hawai'i



DAYTON NAKANELUA
United Public Workers
AFSCME, Local 646, AFL-CIO

APPROVED AS TO FORM:



MICHAEL J. UDOVIC
Deputy Corporation Counsel
Attorney for Intervenor County of Hawai'i and
Department of Public Works, County of Hawai'i



HERBERT R. TAKAHASHI
Attorney for Petitioner
United Public Workers, AFSCME, Local 646, AFL-CIO

APPROVED AND SO ORDERED:

ORDER NO. 2364

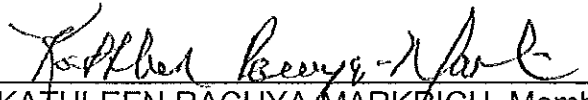
DATED: February 24, 2006



BRIAN K. NAKAMURA, Chair



EMORY J. SPRINGER, Member



KATHLEEN RACUYA-MARKRICH, Member

STATE OF HAWAII)
) SS.
COUNTY OF HAWAII)

On this 2nd day of February, 2006, before me personally appeared DIXIE KAETSU, to me personally known, who, being by me duly sworn, did say that she is the Managing Director of the County of Hawaii, a municipal corporation of the State of Hawaii; that the seal affixed to the foregoing instrument is the corporate seal of said County of Hawaii; that the foregoing instrument was signed and sealed in behalf of the County of Hawaii by authority given to said Mayor of the County of Hawaii by Section 5-1.3(g) of the County Charter, County of Hawaii (2000), as amended, and assigned by the Mayor to the Managing Director pursuant to Section 6-1.3(h) of the County Charter; and said DIXIE KAETSU acknowledged said instrument to be the free act and deed of said County of Hawaii.

Jean Viernes
JEAN VIERNES
Notary Public, State of Hawaii

My commission expires: 11/1/2009

