

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. RA-13-106
)	
GEORGE R. ARIYOSHI, Governor)	ORDER NO. 652
of the State of Hawaii,)	
)	ORDER DENYING MOTION TO
Petitioner,)	ALTER OR AMEND ORDER
)	
and)	
)	
HAWAII GOVERNMENT EMPLOYEES)	
ASSOCIATION, AFSCME, LOCAL 152,)	
AFL-CIO,)	
)	
Intervenor.)	

In the Matter of)	CASE NO. RA-13-110
)	
GEORGE R. ARIYOSHI, Governor)	
of the State of Hawaii,)	
)	
Petitioner,)	
)	
and)	
)	
HAWAII GOVERNMENT EMPLOYEES)	
ASSOCIATION, AFSCME, LOCAL 152,)	
AFL-CIO,)	
)	
Intervenor.)	

ORDER DENYING MOTION TO ALTER OR AMEND ORDER

On October 26, 1987, GEORGE R. ARIYOSHI, Governor of the State of Hawaii at times relevant herein, [hereinafter referred to as STATE] filed a Motion to Alter or Amend Order with the Hawaii Labor Relations Board [hereinafter referred to as Board].

In its motion the STATE requested that the Board alter and amend Decision No. 253 in the above-captioned matter as follows:

1. To alter the decision to decide that the Tax Assessors and Tax Collectors positions at issue herein are top-level managerial personnel, as defined by Section 89-6(c), Hawaii Revised Statutes [hereinafter referred to as HRS];

2. To alter its decision to decide that even if the Tax Assessors and Tax Collectors are not top-level managerial personnel, that they are, nevertheless, managerial personnel who have access to confidential labor relations policy and information and who, therefore, should be excluded as confidential employees under Section 89-6(c), HRS;

3. To alter its decision to decide that even if the Tax Assessors and Tax Collectors are not top-level managerial or confidential employees, that they are, nevertheless, managerial employees, and not supervisors, as that term is defined under Section 89-6(c), HRS.

A hearing was held on the matter on November 19, 1987 at which time both interested parties were afforded the opportunity to orally present their positions on the instant motion. At the hearing the STATE directed its arguments to its concern that the Board's decision that the subject positions are not top-level managerial employees as defined in Subsection 89-6(c), HRS, has the effect of narrowly defining the subject employees as supervisory as opposed to managerial employees.

The Board, however, takes the position, as stated at the hearing, that its determination was made pursuant to Subsection 89-6(c), HRS, that the subject employees are not top-level managerial employees. It is a determination made independent of any classification actions the State Department of Personnel Services may make in regards to the subject employees. The Board's determination does not circumscribe or foreclose the Department of Personnel Services' classification functions which may, independent of Board's determination of bargaining unit exclusions invest employee positions with managerial and supervisory functions in making classification determinations.

As the order in Decision No. 253 does not in any way impinge on the Department of Personnel Services classification function, the Board concludes that the STATE has demonstrated no sound basis on which an alteration or amendment of the order would be appropriate.

The motion is hereby denied.

DATED: Honolulu, Hawaii, November 25, 1987.

HAWAII LABOR RELATIONS BOARD


MACK H. HAMADA, Chairperson


JAMES K. CLARK, Board Member


JAMES R. CARRAS, Board Member

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