

UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO AND HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO; CLAYTON A. FRANK, HARRY KIM, AND GORDON LESLIE, DR-10-94, Decision No. 472, April 3, 2008.

“On September 13, 2007, Petitioner UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) filed a petition for a declaratory order with the Hawaii Labor Relations Board (Board). The UPW alleged that Hawaii Administrative Rules (HAR) § 12-42-129 requires public employer Department of Public Safety, State of Hawaii (PSD) to file with the Board PSD’s Standards of Conduct and all applicable policy statements governing possible disciplinary actions to be taken against bargaining unit 10 employees, and that non-compliance with the rule renders enforcement and implementation of the policy statements null and void as being contrary to public policy.”

Decision:

Declaratory Order

“HAR § 12-42-129 requires public employers to file with the Board their statutes, ordinances, rules, regulations, orders, or policy statements affecting public employee-management relations applicable to all employees of such public employer, the purpose of providing the Board with reference materials to facilitate the Board’s performance of duties pursuant to HRS § 89-5. The failure of a public employer to comply with HAR § 12-42-129 does not render enforcement or implementation of the statutes, ordinances, rules, regulations, orders, or policy statements, including PSD’s Standards of Conduct null or void.”

COUNTY OF HAWAII, RA-13-229, Decision No. 473, May 20, 2008.

“On April 17, 2007, the COUNTY OF HAWAII (County of Employer) filed a Petition for Clarification or Amendment of Appropriate Bargaining Unit with the Hawaii Labor Relations Board (Board). In its petition, the county alleges that the duties and responsibilities of new Position No. 00-04724, Vehicle Registration and Licensing Manager, EM-03, warrants exclusion from collective bargaining as a top-level managerial position. The position is the head of the new Vehicle Registration and Licensing Division, Department of Finance, County of Hawaii and will be responsible for planning, implementing, and administering policies procedures, guidelines, and objectives for the County’s driver licensing, bicycle and dog licensing programs. The position will oversee the division’s administrative functions, including fiscal and personnel matters. Michael R. Ben, County Director of Human Resources and Petitioner’s representative, states in an affidavit attached to the petition, that the Hawaii Government Employees Association (HGEA or Union) concurs with the transfer of the position from included to excluded unit.”

Decision:

Order

“Position No. 00-04724, Vehicle Registration and Licensing Manager, EM-03, is hereby excluded from collective bargaining unit 13, and the coverage of HRS Chapter 89 as a top-level managerial employee.”

COUNTY OF HAWAII, RA-13-230, Decision No. 474, October 6, 2008.

“On September 2, 2008, the COUNTY OF HAWAII (County or Employer) filed a Petition for Clarification or Amendment of Appropriate Bargaining Unit with the Hawaii Labor Relations Board (Board). In its petition, the County alleges that the duties and responsibilities of new Position No. WS-04792, Waterworks Information Systems Manager, EM-03, warrants exclusion from bargaining unit 13 as a top-level managerial position. The position is the head of the Department of Water Supply, Information Systems Branch, and will direct the administration, planning, development, maintenance, and security of the department’s overall information technology systems, which includes network applications, geographic information systems, data base management, and end user support services. The position will formulate and implement program policies, guidelines, goals and objectives; and oversee the fiscal and personnel requirements for the branch. Michael R. Ben, County Director of Human Resources and Petitioner’s representative,

states in an affidavit attached to the petition, that the Hawaii Government Employees Association (HGEA or Union) was consulted on the transfer of the position from included to excluded status.”

Decision:

Order

“Position No. WS-04792, Waterworks Information Systems Manager, EM-03 is hereby excluded from collective bargaining unit 13, and coverage of HRS Chapter 89 as a top-level managerial employee.”

COUNTY OF HAWAII, RA-04-231, Decision No. 475, October 7, 2008.

“On September 2, 2008, the COUNTY OF HAWAII (County of Employer) filed a Petition for Clarification or Amendment of Appropriate Bargaining Unit with the Hawaii Labor Relations Board (Board). In its petition, the County alleges that the duties and responsibilities of new Position No. 00-04773, Highway Superintendent, EM-03, warrants exclusion from bargaining unit 04 as a top-level managerial position. The position will serve as the assistant to the Highway Division Chief, Department of Public Works, Highway Maintenance Division. The position will plan, direct, and coordinate the daily operations and activities relating to the maintenance, repair, and construction of highways, streets, roads, bridges, drainage facilities, appurtenant structures, roadsides, and facilities under the jurisdiction of Department of Public Works. This position will assist in the formulation and implementation of program policies, guidelines, goals, and objectives; and assist in overseeing the fiscal and personnel requirements for the division. Michael R. Ben (Ben), County Director of Human Resources and Petitioner’s representative, states in an affidavit attached to the petition, that the Hawaii Government Employees Association (HGEA or Union) was consulted on the transfer of the position from included to excluded status.”

Decision:

Order

“Position No. 00-04773, Highway Superintendent, EM-03, is hereby excluded from collective bargaining unit 04, and the coverage of HRS Chapter 89 as a top-level managerial employee.”