

STATE OF HAWAII  
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of	)	
BOARD OF REGENTS, University	)	Case Nos. <u>RA-03-42</u>
of Hawaii,	)	<u>RA-08-42</u>
	)	
Petitioner,	)	
	)	
and	)	Decision No. <u>134</u>
	)	
HAWAII GOVERNMENT EMPLOYEES'	)	
ASSOCIATION, LOCAL 152,	)	
AFSCME, AFL-CIO,	)	
	)	
Exclusive	)	
Representative,	)	
Units 3 and 8.	)	

FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND ORDER

On July 9, 1980, the Board of Regents of the University of Hawaii (hereafter BOR) filed with this Board a petition for the transfer of one position currently in Unit 3 (nonsupervisory employees in white collar positions) to Unit 8 (personnel of the University of Hawaii and the community college system, other than faculty).

Based on the evidence submitted in support of the petition, the Board makes the following findings of fact, conclusions of law and order.

FINDINGS OF FACT

The BOR is a public employer of employees in Units 3 and 8 as defined in Subsection 89-2(9), Hawaii Revised Statutes (hereafter HRS).

The Hawaii Government Employees' Association, Local 152, AFSCME, AFL-CIO (hereafter HGEA) is the certified exclusive representative of employees in Units 3 and 8.

The HGEA has agreed with the University's proposal to convert the position in question, and all parties have waived their right to a hearing thereon.

The position in question is a clerical position occupied by Joyce N. Masui in the Department of Architecture. Pursuant to a decision by the Board of Regents on April 12, 1979, the University is in the process of separating the Department of Architecture from the College of Arts and Sciences and establishing a School of Architecture. In delineating the administrative and operational responsibilities of the School, the University has proposed the conversion of this clerical position to an Administrative, Professional, Technical (APT) position since the position must assume administrative responsibilities in the absence of an additional position count allocation.

The proposed APT position title is "UH Administrative and Student Services Officer." The position description which was submitted to the Board was certified as being accurate by Ms. Masui and approved by her supervisor and the Dean of the College of Arts and Sciences. The position serves as the chief administrative and student services officer for the School of Architecture. The duties and responsibilities of this position include serving as Fiscal Officer for the School; preparing and maintaining confidential personnel records; assisting in the development and implementation of School policies and regulations, accreditation requirements, registration procedures, scheduling of classes and faculty assignments; and maintaining student records and advising students.

CONCLUSIONS OF LAW

Section 89-6, HRS, provides in relevant part:

Sec. 89-6. Appropriate bargaining units.  
(a) All employees throughout the State within any of the following categories shall constitute an appropriate bargaining unit:

\* \* \*

(3) Nonsupervisory employees in white collar positions;

\* \* \*

(8) Personnel of the University of Hawaii and the community college system, other than faculty;

\* \* \*

In distinguishing the types of personnel at the University, the Board noted in Decision 25 that:

The personnel employed by the University range over a broad spectrum of occupational groupings and includes some hybrids. There are a number of personnel in the University System who do not appropriately fall within the faculty or civil service groupings. Some of the personnel who are not within the faculty of civil service systems are classified as Administrative, Professional and Technical Personnel (hereafter APT).

APT's generally perform professional level duties which may be unique to the University environment. . . . 1 HPERB No. 25 at 298

Hence, the composition of Unit 8 was further clarified by the Board to include "All administrative, technical and professional employees who are employed half time or more except those determined to be excluded". 1 HPERB No. 25 at 290.

After reviewing the evidence submitted by the BOR, the Board concludes that the position of UH Administrative and Student Services Officer in the School of Architecture is more appropriately classified as a Unit 8 position and that the proposed unit change is proper and consistent with Section 89-6, HRS, and Decision 25.

ORDER

The clerical position in the Department of Architecture which is occupied by Joyce N. Masui and is being reclassified to an APT position entitled "UH Administrative and Student Services Officer" is transferred from Unit 3 to Unit 8.

The mechanics of the transfer shall be worked out among the parties to this case, provided that the effective date shall not be earlier than the date of this decision.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

  
Mack H. Hamada, Chairman

  
James K. Clark, Board Member

  
John E. Milligan, Board Member

Dated: July 24, 1980

Honolulu, Hawaii