

STATE OF HAWAII

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of)	
)	
BOARD OF REGENTS, University)	Case Nos: RA-01-48
of Hawaii,)	RA-08-48
)	
Petitioner,)	Decision No. 153
)	
and)	
)	
UNITED PUBLIC WORKERS,)	
Local 646, AFSCME, AFL-CIO,)	
)	
Exclusive)	
Representative)	
of Unit 1.)	
)	

FINDINGS OF FACT
CONCLUSIONS OF LAW, AND ORDER

On August 25, 1981, the Board of Regents of the University of Hawaii (hereafter BOR) filed a petition with the Hawaii Public Employment Relations Board (hereafter Board) requesting the transfer of one position currently included in Unit 1 (Nonsupervisory employees in blue collar positions) to Unit 8 (Personnel of the University of Hawaii and the community college system, other than faculty).

Based on the affidavit of the University of Hawaii's Vice President for Administration, Harold S. Masumoto and the documents 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 the public employer as defined in Subsection 89-2(9), Hawaii Revised Statutes (hereafter HRS), of employees in Units 1 and 8.

The United Public Workers (hereafter UPW) is the certified exclusive representative of employees in Unit 1.

The Hawaii Government Employees' Association (hereafter HGEA) is the certified exclusive representative of employees in Unit 8.

The UPW concurs with the BOR's proposed transfer. All parties involved are deemed to have waived their right to a hearing thereon.

The position in question is Position No. 00816, currently titled Aquarist III (Gregory Enos, incumbent), located at the Waikiki Aquarium, Marine Programs, University of Hawaii at Manoa.

Due to a reorganization of the Waikiki Aquarium, the subject position's duties and responsibilities have changed. Previously, the position functioned as a blue-collar working supervisor, primarily responsible for only the operation and maintenance of the physical plant. The subject position will now be responsible for providing scientific research support and administrative services to the Director of the Waikiki Aquarium. According to the position description submitted to the Board and certified as being accurate by the position's immediate supervisor, the duties of the position now include reviewing scientific and technical journals, preparing reports on Aquarium activities for publication and presentation, ensuring that the Aquarium meets permit requirements, managing some fiscal and personnel operations, and preparing the Waikiki Aquarium budget for general funds. The position also supervises five subordinates.

Accordingly, the University has proposed the conversion of the subject position to an Administrative,

Professional, and Technical (APT) position. The proposed APT position title is "Research Associate III".

CONCLUSIONS OF LAW

Section 89-6, HRS, provides in pertinent 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:

- (1) Nonsupervisory employees in blue 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 or 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 Research Associate III at the Waikiki Aquarium is more appropriately classified as a Unit 8 position since the position's duties reflect professional and technical responsibilities within the University system and that the proposed unit change is proper and consistent with Section 89-6, HRS, and Decision No. 25.

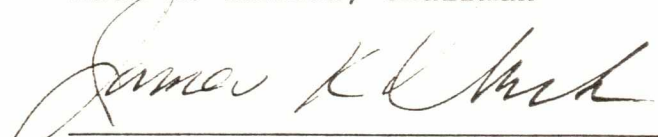
ORDER

The Aquarist III position at the Waikiki Aquarium which is occupied by Gregory Enos and is being reclassified to an APT position entitled "Research Associate III" is transferred from Unit 1 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

Dated: September 17, 1981

Honolulu, Hawaii