

STATE OF HAWAII  
HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

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|---------------------|---|-------------------|
| In the Matter of    | ) | CASE NO. RA-06-53 |
|                     | ) |                   |
| BOARD OF EDUCATION, | ) |                   |
|                     | ) | DECISION NO. 157  |
| Petitioner.         | ) |                   |
| _____               | ) |                   |

FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER

On March 10, 1982, the Board of Education (hereafter BOE) filed a Petition for Clarification or Amendment of Appropriate Bargaining Unit with the Hawaii Public Employment Relations Board (hereafter Board). In its petition, the BOE requested the inclusion of a new full-time educational officer position in Unit 6 (Educational officers and other personnel of the department of education under the same salary schedule).

Based on the affidavit of Ronald B. Y. Nakano, Assistant Superintendent, Office of Personnel Services, Department of Education (hereafter DOE), and the evidence submitted in support of the petition, the Board makes the following findings of fact, conclusions of law and order.

FINDINGS OF FACT

As defined in subsection 89-2(9), Hawaii Revised Statutes (hereafter HRS), the BOE is the public employer of employees in the DOE, which includes employees in Unit 6.

The Hawaii Government Employees' Association (hereafter HGEA) is the certified exclusive representative of employees in Unit 6.

The HGEA concurs with the BOE's proposed inclusion of the subject position in Unit 6 and is deemed to have waived the right to a hearing thereon.

According to the evidence submitted, the newly created position, Position No. 79857, will be located in the Special Services Staff of the Hawaii District Office and will be responsible for: (1) planning, organizing, coordinating, monitoring and assisting in the evaluation of Special Education Programs within the Hawaii District; (2) preparing short and long-range plans and projections relating to staffing facilities, budget, program establishment and program emphasis; and (3) coordinating the placement of Special Education students within the district.

The duties and responsibilities of the subject position are encompassed within the class, District Educational Specialist II, and, as such, the subject position is within the Educational Officer Classification and Compensation System.

#### CONCLUSIONS OF LAW

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

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

\* \* \*

(6) Educational officers and other personnel of the department of education under the same salary schedule; . . .

After reviewing the evidence submitted by the BOE, the Board concludes that the duties of the subject position reflect professional responsibilities within

the DOE and apparently, there is no appropriate classification in the civil service system to accommodate the subject position. Thus, the position was classified within the Educational Officer Classification and Compensation System. As such, the BOE's proposed inclusion of the subject position in Unit 6 is consistent with section 89-6, HRS.

ORDER

The newly created position of District Educational Specialist II, Position No. 79857, is included in Unit 6.

DATED: Honolulu, Hawaii, April 8, 1982.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

  
MACK H. HAMADA, Chairman

  
JAMES K. CLARK, Board Member

Copies sent to:

Ronald B. Y. Nakano, DOE  
Joyce Najita, IRC  
State Archives