

STATE OF HAWAII

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of	)	CASE NO. RA-06-54
	)	
BOARD OF EDUCATION,	)	DECISION NO. 158
	)	
Petitioner.	)	
_____	)	

FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER

On March 18, 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 three newly established, full-time educational officer positions 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 three subject positions in Unit 6 and is deemed to have waived the right to a hearing thereon.

According to the evidence submitted:

1. Position No. 79801, Educational Specialist I, will be assigned to the Compensatory Education Section, Office of Instructional Services and will assist with the implementation of the DOE's bilingual-bicultural education and qualifying desegregation project. The duties and responsibilities include participation in project planning, coordination of project activities, project monitoring and evaluation and the provision of technical support services.

2. Position Nos. 79817 and 79818, Educational Specialist I's, will be assigned to the Compensatory Education Section, Office of Instructional Services and will assist in the development, coordination of services and program monitoring activities associated with the implementation of the DOE's compliance plan on national origin desegregation of students of limited English proficiency. The duties and responsibilities include participation in program planning, coordination of program activities, program monitoring and evaluation and the provision of technical support services.

The duties and responsibilities of the three positions are encompassed within the class, Educational Specialist I, and, as such, the positions are within the Educational Officer Classification/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 three subject positions reflect professional responsibilities within the DOE and apparently, there is no appropriate classification in the civil service system to accommodate these positions. Thus, the positions were classified within the Educational Officer Classification/Compensation System. As such, the BOE's proposed inclusion of the three subject positions in Unit 6 is consistent with section 89-6, HRS.

ORDER

The three newly created Educational Specialist I positions, Position Nos. 79801, 79817 and 79818, are included in Unit 6.

DATED: Honolulu, Hawaii, April 20, 1982 .

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD



MACK H. HAMADA, Chair



JAMES K. CLARK, Board Member

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Board of Education, Petitioner

Copies sent to:

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