

STATE OF HAWAII

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of)	CASE NOS. RA-08-57
)	RA-13-57
BOARD OF REGENTS,)	
)	DECISION NO. 166
Petitioner.)	
_____)	

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

On May 18, 1982, the BOARD OF REGENTS [hereinafter referred to as BOR] filed a Petition for Clarification or Amendment of Appropriate Bargaining Unit with the Hawaii Public Employment Relations Board [hereinafter referred to as Board]. In its petition, the BOR requested the transfer of Position No. 408, currently included in Unit 13 (Professional and scientific employees, other than registered professional nurses) to Unit 8 (Personnel of the University of Hawaii and the community college system, other than faculty). The transfer is premised upon a proposed reclassification due to changes in the position's duties and responsibilities since the original bargaining unit determinations such that the position is no longer in keeping with the concepts of the civil service accountant series and is instead similar to positions within the Administrative, Professional and Technical [hereinafter referred to as APT] classification plan.

The BOR submitted along with the petition the following documents:

1. Affidavit of Harold S. Masumoto regarding Position No. 408, dated May 14, 1982;

2. APT Position Description for the proposed UH Administrative Officer III position, Exhibit A; and
3. Letter dated April 16, 1982 from Harold S. Masumoto to Russell Okata, Hawaii Government Employees' Association [hereinafter referred to as HGEA], requesting the HGEA's concurrence with the proposed bargaining unit transfer, Exhibit B.

Subsequently, on May 26, 1982, additional documents were submitted by David K. Luke, Jr., Director of Personnel, University of Hawaii [hereinafter referred to as UH], which have been included in the instant case and designated as follows:

1. Department of Personnel Services Position Classification Form for the Accountant IV position, Exhibit C;
2. Specifications for the class, UH Administrative Officer, Exhibit D;
3. Class specifications for the Accountant series, Exhibit E; and
4. Organization Chart for the College of Tropical Agriculture and Human Resources updated in August 1980, Exhibit F.

Based on the affidavit of Harold S. Masumoto, Vice President for Administration, UH, and all 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 [hereinafter referred to as HRS], of employees of the UH, which includes employees in Unit 8.

Governor George R. Ariyoshi is the public employer, as defined in Subsection 89-2(9), HRS, of employees of the State, which includes employees in Unit 13.

The HGEA is the certified exclusive representative of employees in Units 8 and 13.

The HGEA concurs with the BOR's proposed transfer of the subject position from Unit 13 to Unit 8 and is deemed to have waived the right to a hearing thereon. Petitioner's Exhibit B.

Position No. 408 is currently classified as an Accountant IV within the civil service system and located in the Office of Management Services, College of Tropical Agriculture and Human Resources.

As originally classified, the position was included in Unit 13 and was responsible for the detailed accounting operations of the College of Tropical Agriculture which included:

(1) Preparing the Federal financial reports which show total receipts by source and program elements, expenditures by program elements, matching requirements and unpaid obligations;

(2) Preparing all financial statements required by the various Federal, State and private organizations not handled by the Contracts and Grants Accounting Office;

(3) Maintaining all records of contracts and grants; and

(4) Preparing, monitoring and revising research and training budget status reports and cost sharing reports to comply with reporting requirements of different granting agencies. Petitioner's Exhibit C.

The duties and responsibilities of the proposed UH Administrative Officer III position include:

1. Preparing the annual financial reports of federal appropriations by analyzing and reconstructing financial data into source and program elements and monitoring encumbrances until they are cleared; and
2. Performing and supervising fiscal and personnel functions as the contracts and grants administrator which includes the responsibility for the preparation of all financial statements required by various Federal, State and private organizations not handled by the Contract and Grants Accounting Office and supervising the preparation, monitoring and revising of research and training budget status reports and cost sharing reports. Petitioner's Exhibit A.

Based on these duties and responsibilities, the BOR has proposed the reclassification of the subject position from Accountant IV to UH Administrative Officer III and conversion from a class within the civil service system to a class within the APT system.

CONCLUSIONS OF LAW

The BOR has proposed the reclassification of the Accountant IV position to a UH Administrative Officer III position as there were changes in the position's duties and responsibilities since the original unit determinations such that the position is no longer in keeping with the concepts of the civil service Accountant class and is instead similar

to positions within the APT classification plan. The BOR, therefore, requests the transfer of the subject position from Unit 13 to Unit 8.

Subsection 89-6(a), HRS, establishes the 13 public employee bargaining units and provides, in part:

(a) All employees throughout the State within any of the following categories shall constitute an appropriate bargaining unit:

* * *

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

* * *

(13) Professional and scientific employees, other than registered professional nurses; . . .

In its attempt to more specifically determine the composition of Unit 8, the Board noted in Decision No. 25, Hawaii Federation of College Teachers, 1 HPERB 289 (1973):

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. . . Id. at 298.

The Board thereafter determined that the following employees are to be included in Unit 8:

All administrative, technical and professional employees who are employed half time or more, except those determined to be excluded. Id. at 290.

After carefully reviewing the evidence submitted by the BOR, the Board concludes that the duties of the proposed UH Administrative Officer III position reflect administrative, professional and technical responsibilities within the UH system. Thus, as the BOR has proposed the reclassification of the subject position to a class within the APT system, the position would appropriately be placed in Unit 8.

ORDER

The Accountant IV position which is being reclassified by the BOR to a UH Administrative Officer III position within the APT Classification System is transferred from Unit 13 to Unit 8.

The effective date of the transfer shall not be earlier than the date of this decision.

DATED: Honolulu, Hawaii, September 22, 1982.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD


MACK H. HAMADA, Chairperson


JAMES K. CLARK, Board Member


JAMES R. CARRAS, Board Member

Copies sent to:

Harold S. Masumoto, UH
Joyce Najita, IRC
State Archives