

## STATE OF HAWAII

## HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of	)	CASE NOS.: RA-02-69
	)	RA-08-69
BOARD OF REGENTS, University	)	
of Hawaii,	)	DECISION NO. 184
	)	
Petitioner.	)	
_____	)	

FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER

---

On October 25, 1983, 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. 4105, presently a General Maintenance and Construction Supervisor I and included in Unit 2 (Supervisory employees in blue collar positions) to Unit 8 (Personnel of the University of Hawaii and the community college system, other than faculty). The transfer is premised upon the reclassification of the position to University of Hawaii [hereinafter referred to as UH] Marine Laboratory Supervisor, whose duties and responsibilities are appropriately encompassed in the classification plan for Administrative, Professional and Technical Personnel [hereinafter referred to as APT].

The BOR submitted along with the petition the following documents:

1. Affidavit of Harold S. Masumoto regarding Position No. 4105, dated October 25, 1983;

2. APT Position Description for the proposed UH Marine Laboratory Supervisor position (Exhibit A);

3. Class specifications for the UH Marine Laboratory Supervisor position (Exhibit B); and

4. Letter, dated September 30, 1983, 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 C).

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

Governor George R. Ariyoshi is the public employer, as defined in Subsection 89-2(9), Hawaii Revised Statutes [hereinafter referred to as HRS], of employees of the State, which includes employees in Unit 2.

The BOR is the public employer, as defined in Subsection 89-2(9), HRS, of employees of the UH, which includes employees in Unit 8.

The HGEA is the certified exclusive representative of employees in Units 2 and 8.

The HGEA concurs with the BOR's proposed transfer of the subject position from Unit 2 to Unit 8 and is deemed to have waived the right to a hearing thereon. Petitioner's Exhibit C.

Position No. 4105 is currently vacant and was previously classified as a General Maintenance and

Construction Supervisor I within the civil service system. The position has been reclassified as a UH Marine Laboratory Supervisor and will perform skilled and unskilled work involving the maintenance, repair and operation of all physical facilities and equipment at the Hawaii Institute of Marine Biology, UH at Manoa. Further, the position will exercise independent judgment and initiative in performing the work. Petitioner's Exhibits A and B.

The duties and responsibilities of the UH Marine Laboratory Supervisor include:

1. Applying skills not limited to, but including: boat maintenance and operation, carpentry, plumbing, machining, welding and mechanical, electrical and refrigeration maintenance;
2. Supervising contract maintenance services, custodial services and student assistants;
3. Writing technical reports involving maintenance, personnel and improvements to the plant;
4. Ordering parts, materials and custodial supplies;
5. Maintaining security and upkeep of the buildings and grounds;
6. Performing or specifying maintenance of a sea water supply system; and
7. Establishing rapport with staff and visiting scientists to support their research needs. Petitioner's Exhibits A and B.

Based on these duties and responsibilities, the BOR has classified Position No. 4105 as UH Marine Laboratory Supervisor, a class within the APT system.



### CONCLUSIONS OF LAW

The BOR has requested the transfer of Position No. 4105, UH Marine Laboratory Supervisor, from inclusion in Unit 2 to Unit 8, as the position's duties and responsibilities are appropriately encompassed in the APT classification plan.

Subsection 89-6(a), HRS, establishes 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:

\* \* \*

(2) Supervisory employees in blue collar positions;

\* \* \*

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

In its attempt to more specifically determine the composition of Unit 8, the Board noted in Decision 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 (hereinafter 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 and responsibilities of the proposed UH Marine Laboratory Supervisor position reflect administrative, professional and technical responsibilities within the UH system. Further, the Board concludes that the position performs its duties and responsibilities with wide latitude for the exercise of independent judgment and initiative. 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 UH Marine Laboratory Supervisor position is transferred from inclusion in Unit 2 to Unit 8.

DATED: Honolulu, Hawaii, January 24, 1984.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

  
MACK H. HAMADA, Chairperson

  
JAMES K. CLARK, Board Member

  
JAMES R. CARRAS, Board Member

In the Matter of BOARD OF REGENTS, University of Hawaii,  
Petitioner  
CASE NOS.: RA-02-69; RA-08-69  
DECISION NO. 184

Copies sent to:

Harold S. Masumoto  
Joyce Najita, IRC  
Publications Distribution Center  
University of Hawaii Library  
State Archives  
Robert Hasegawa, CLEAR