

STATE OF HAWAII

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of)	CASE NOS.: RA-07-73
)	RA-08-73
BOARD OF REGENTS, University)	
of Hawaii,)	DECISION NO. 195
)	
Petitioner.)	FINDINGS OF FACT, CON-
)	CLUSIONS OF LAW AND ORDER

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

On May 22, 1984, the BOARD OF REGENTS of the University of Hawaii [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. 83281, presently a Specialist V and included in Unit 7 (Faculty of the University of Hawaii and the community college system), to Unit 8 (Personnel of the University of Hawaii and the community college system, other than faculty). The transfer is premised upon the reassignment of the position from the Counseling and Testing Center to the Financial Aids Office [hereinafter referred to as FAO], University of Hawaii [hereinafter referred to as UH] at Manoa, and the assignment of new duties and responsibilities which are consistent with existing 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. 83281, dated May 18, 1984;

2. APT Position Description for the UH Student Services Specialist III, and Organization Charts for the FAO and the Counseling and Testing Center (Exhibit A);

3. Letter, dated April 19, 1984, 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); and

4. Letter, dated April 19, 1984, from Harold S. Masumoto to J. N. Musto, University of Hawaii Professional Assembly [hereinafter referred to as UHPA], requesting the UHPA'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

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 Units 7 and 8.

The UHPA is the certified exclusive representative of employees in Unit 7.

The HGEA is the certified exclusive representative of employees in Unit 8.

The UHPA and HGEA concur with the BOR's proposed transfer of the subject position from Unit 7 to Unit 8 and are deemed to have waived the right to a hearing thereon. Petitioner's Exhibits B and C.

Position No. 83281 was previously classified as a Specialist V within the Faculty classification plan and was located in the Counseling and Testing Center under the Office of Student Services, UH at Manoa. The position has been reassigned to the FAO under the Office of Student Services, UH at Manoa, and is proposed for reclassification as a UH Student Services Specialist III, a position within the APT classification plan. Position No. 83281 will be responsible for, and perform the following duties in the approximate percentages of time:

1. Administration (25%). Serves as first assistant/operations manager of the FAO, requiring extensive knowledge of all financial aid programs, and ability to develop and manage a computerized recordkeeping and reporting system;

2. Operations (20%). Responsible for daily office operations as the office first line supervisor;

3. Automated Support System Management (30%).

- (a) Responsible for the operation of the computerized Financial Aid Information System, training of personnel utilizing the system and working with the UH Management Systems Office, which writes and tests software programs;

(b) Responsible for writing the tables and parameters in computer language for the computerized Packaging Aid Resources System and working independently during the peak period to expedite the processing of applications and

(c) Reviewing and analyzing the computer tape data required by the Federal Government to determine the feasibility of interface with the Financial Aid Information System;

4. Program Responsibility (20%).

(a) Responsible for the Hawaii State Scholarship program and the Tuition Waivers program;

(b) Provides counseling and consultation services and

(c) Acts as liaison/outreach for scholarship and financial aid programs, computer operations and the statewide college fair; and

5. Other Related Duties (5%).

The position's additional administration-related duties include:

1. Assisting the Director in planning and evaluating the program and budget, implementing policies and procedures, and assuring accountability and compliance with internal, University and external agency policies;

2. Acting as the Director in the Director's absence; and

3. Responding to the impact of the regulations in the Federal Register on the FAO operation from the UH at Manoa's point of view.

The position's additional Financial Aid Information System-related duties include:

1. Developing rationale to coordinate computer programming with requirements of the FAO programs;
2. Working with the Management Systems Office to assure that computer software and hardware are operational on a timely basis, to instruct the programmer of each student assistance program requirements and reasons for the development or changes to the computer programs and to assure that the computer programs can handle updates or changes of input data and appropriately produce output data and forms;
3. Reviewing the efficiency of the program and feasibility of all requests for programming submitted by colleagues; and
4. Monitoring computer time and supplies expenditures, and requesting funds if necessary.

The position's additional Packaging Aid Resources System-related duties include:

1. Analyzing annual changes using the needs analysis formula and running simulations to determine the needs of applicants;
2. Creating aid award parameters, writing tables and running tests of the software for the automatic packaging of student awards; and
3. Assuring timely and accurate production of applicants' awards. Petitioner's Exhibit A.

Based on these duties and responsibilities, the position has been proposed for reclassification within the APT classification plan.

CONCLUSIONS OF LAW

The BOR has requested the transfer of Position No. 83281 from inclusion in Unit 7 to Unit 8, as the position's duties and responsibilities are consistent with existing positions within 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:

* * *

(7) Faculty of the University of Hawaii and the community college system;

(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 a complete review of the duties and responsibilities to be performed by Position No. 83281, the Board concludes that the position, for the most part, serves as first assistant/operations manager of the FAO, and has sole responsibility for the operation of the computerized Financial Aid Information System and the writing of tables and parameters for the computerized Packaging Aid Resources System. Further, the position has responsibility for daily FAO operations and State financial aid programs/outreach services. The position also acts as Director in the Director's absence. Accordingly, the Board concludes that of the duties and responsibilities of Position No. 83281 clearly reflect administrative, professional and technical responsibilities within the UH system. Thus, as the BOR has proposed the transfer of the subject position to a class within the APT system, the position would appropriately be placed in Unit 8.


ORDER

Position No. 83281 is transferred from inclusion in
Unit 7 to Unit 8.

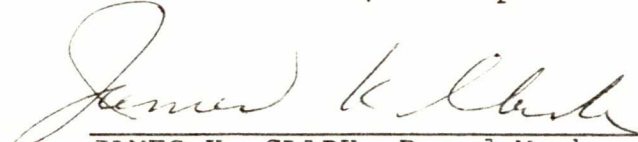
The effective date of the transfer shall not be earlier
than the date of this decision.

DATED: Honolulu, Hawaii, August 15, 1984.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD



MACK H. HAMADA, Chairperson



JAMES K. CLARK, Board Member



JAMES R. CARRAS, Board Member

Copies sent to:

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