

STATE OF HAWAII

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

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| In the Matter of |) | CASE NOS.: RA-07-74 |
| |) | RA-08-74 |
| BOARD OF REGENTS, University |) | |
| of Hawaii, |) | DECISION NO. 200 |
| |) | |
| Petitioner, |) | FINDINGS OF FACT, CONCLU- |
| |) | SIONS OF LAW AND ORDER |
| and |) | |
| |) | |
| UNIVERSITY OF HAWAII |) | |
| PROFESSIONAL ASSEMBLY, |) | |
| |) | |
| Intervenor. |) | |

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

On May 23, 1984 Petitioner BOARD OF REGENTS, University of Hawaii [hereinafter referred to as Petitioner or BOR] filed a Petition for Clarification or Amendment of Appropriate Bargaining Unit with the Hawaii Public Employment Relations Board [hereinafter referred to as Board]. Petitioner seeks to have Position No. 84092, Associate Specialist, in bargaining unit 7, transferred to bargaining unit 8.

The UNIVERSITY OF HAWAII PROFESSIONAL ASSEMBLY [hereinafter referred to as UHPA], exclusive representative of bargaining unit 7, objects to the proposed transfer. In Order No. 495, the Board granted UHPA's Petition for Intervention in the instant matter. Board Ex. 4.

The Hawaii Government Employees Association [hereinafter referred to as HGEA], exclusive representative of

bargaining unit 8, interposed no objection to the proposed transfer and did not seek intervention in the instant matter.

Based upon the record herein, and after a hearing on due notice, the Board makes the following findings of fact, conclusions of law and order.

FINDINGS OF FACT

Petitioner is the public employer, as defined in Subsection 89-2(9), Hawaii Revised Statutes [hereinafter referred to as HRS], of employees in Units 7 and 8, as such units are defined in Subsection 89-6(a), HRS.

UHPA is the exclusive representative, as defined in Section 89-2(12), HRS, of employees in bargaining unit 7, faculty of the University of Hawaii and the community college system.

HGEA is the exclusive representative, as defined in Subsection 89-2(12), HRS, of employees in bargaining unit 8, personnel of the University of Hawaii and the community college system, other than faculty.

The BOR transferred the subject academic advisor position from the Office of Student Services, College of Education to the Office of Student Services and Special Programs, College of Arts and Sciences. The position, currently vacant, is classified as an Associate Specialist at rank Specialist 4 (S-4) in the faculty unit. Upon the transfer, the position's duties and responsibilities were redescribed. In its redescribed form, the BOR asserts the position does not conform to the faculty definition necessary for placement in Unit 7. Based on an examination

of the position's duties and responsibilities contained in the job description, the position is viewed by the BOR to be an administrative, professional, and technical [hereinafter referred to as APT] position properly placed in Unit 8. Hearing transcript Volume I [hereinafter referred to as Tr. Vol. I], pp. 3, 56. The newly assigned title for Position No. 84092, is Educational Specialist II. Petitioner Exhibit [hereinafter referred to as Pet. Ex.] 9.

Sharen Tokura, a personnel officer with the University of Hawaii, testified concerning pertinent historical information relating to the evolution of the University's classification system and the reasons for the original placement of student advisors in the faculty unit. Ms. Tokura's testimony revealed the following.

Entering the 1960's, the University was a small entity with two basic categories of employees: civil service and instructional faculty. Tr. Vol. I, p. 7. At that time, the civil service law gave the BOR jurisdiction over faculty positions while the State Department of Personnel Services had jurisdiction over civil service positions. As the University entered into the research field, a "researcher" category was established. In addition, a "specialist" category was established to accommodate positions which did not fit into either civil service, faculty or research designations. Id. at 8-9. Because civil service law permitted the BOR to maintain control over faculty positions, the researcher and specialist categories

were designated as faculty, thereby placing them under BOR, rather than civil service, jurisdiction. Id. at 9.

The BOR also created an "X" category of employees, for non-research professional employees in technical jobs such as engineers. This category was also designated as faculty to enable the BOR to make appointments outside of the civil service system. Id. at 10-11, 24.

In 1965, the civil service law was amended to give the BOR authority to establish, reclassify and administer the "X" category of employees, which was then designated as the "Administrative, Professional, and Technical"--or "APT"--category.

The change in civil service law giving the BOR authority to administer the APT category of employees brought into focus the large number of misclassifications of the faculty in the "X" category. Id. at 12.

In June 1967, the BOR hired a consultant, the Public Administration Service (PAS), to examine the "X", research, and specialist categories and to establish a classification or compensation plan for the APT group. The bulk of the study's recommendations was adopted by the BOR. Id. at 19. The PAS study recommended abolishing the researcher and specialist categories by placing the affected positions in either the APT or faculty group, the latter with no distinction as to instruction or research. Id. at 12-13, 18; Pet. Ex. 1, p. 5. However, this recommendation was not adopted, and the research and specialist categories were not abolished. Instead, research and specialist positions which were in existence prior to the establishment of

the 1967 APT classification plan remained in the faculty category, due to possible adverse impact on individuals filling the positions, i.e., loss of tenure upon conversion to APT. Id. at 19.

The classification system established for the APT category in the PAS study combined the traditional faculty "rank-in-person" concept and the civil service "position classification" concept. Id. at 15.

Position classification is the systematic method of grouping "like" positions into classes, with similarities being determined through specific duties and responsibilities of each position. Minimum qualifications are determined by job duties and responsibilities. Any incumbent filling a position receives the compensation assigned to the particular class and position. Id. at 16. By contrast, under the rank-in-person concept, the level of compensation rests with the qualifications of the incumbent rather than the job itself. Id. at 16.

The PAS APT classification system adopted by the BOR combined position qualifications and individual qualifications, blending the conventional rank and position classification systems. Id. at 17; Pet. Ex. 1, p. 15.

Under the PAS scheme, professional personnel in student services were retained in the faculty group. This was due to a policy under which student services personnel were required to teach for one-quarter of the time. PAS recommended, however, that if all incumbents were not instructing for one-quarter of

the time within "2 to 3" years, such positions should be reclassified into the APT group. Tr. Vol. I, pp. 19-20; Pet. Ex. 1, p. 35. For this reason professional personnel in student services at the time were retained in the faculty group. Tr. Vol. I, p. 20.

The Collective Bargaining in Public Employment law was enacted in 1970. The classification scheme developed by the BOR was carried over into the classification scheme established under Chapter 89, HRS, and set forth in Section 89-6, HRS. Positions were placed in bargaining units on the basis of existing classification plans, rather than on the basis of job content. Id. at 21-22.

In 1976 the BOR again hired PAS to study and report on the proposed revision of position classifications for the APT group. PAS issued a report entitled "A Report on Position Classification and Pay Study for the Administrative, Professional and Technical Services". Id. at 29-30; Pet. Ex. 2. The BOR accepted the recommendations of the report and adopted the plan. Tr. Vol. I, p. 31; minutes from Board meeting, December 9, 1976, Pet. Ex. 3.

As a result of the study, the APT class no longer incorporated the dual concepts of rank-in-person and position classification, but became a pure position classification system. Tr. Vol. I, p. 30. Misclassified positions were reviewed at this time and reclassified where appropriate. However, several existing positions thought to be misclassified were not

reclassified if they were filled and if any change may have "adversely affected" incumbents. Id. at 31.

The approved plan was implemented through written BOR Policies. Chapter 9, Personnel, Section 9-1, Personnel Status, Pet. Ex. 4. "Academic Support" is the fifth major category, under which is listed the four classes of Educational Specialist I, II, III and IV. Appendix 9-2d-1, Pet. Ex. 4, p. 3. The current Administrative Procedure A9.210, "Classification Plan for APT Personnel", also lists a class for Educational Specialist I, II, III and IV under Academic Support, 11 Month Personnel. Pet. Ex. 5, p. 15.

As indicated above, the subject position was previously located within the College of Education. The position was transferred to the College of Arts and Sciences. Upon the transfer, a description of the duties and responsibilities of the position was prepared. Upon review, it was determined that the position was more properly classified as APT. Tr. Vol. I, pp. 56-57. The "duties and responsibilities" section of the position description reads as follows:

| | % of Time |
|--|-----------|
| Academic advising of students including evaluating records to determine academic progress and eligibility for graduation; career counseling; doing pre-advising and follow-up correspondence and paperwork; conducting orientation/information sessions for high school counselors/teachers and parents. | 75 |
| Administrative work: Recommending academic action (probation, suspension, dismissal, etc.); evaluating transfer | 15 |

| | % of Time |
|---|-----------|
| credits to determine transferability, equivalents, and applicability toward degree; consulting faculty and other office personnel as necessary. | |
| Writing, editing, and coordinating publications; serving as staff librarian - maintaining, reviewing, and updating adviser resource library. | 10 |

Based on the foregoing job description, the BOR concluded that the position did not involve the traditional faculty functions of teaching, research and community service, but was involved with administrative work and information services. Id. at 60-62, 65. Tokura stated that the subject position in essence "monitors the student's progress, uses the various standardized requirement listings, against which to check the students' progress, in terms of meeting the core requirements, University-wide requirements, the major requirements, as specified." Id. at 63-64. On cross-examination, Tokura allowed that the position may not be expressly limited to such standardized evaluation but may also include some career counseling to ascertain students' interests and general directions. Id. at 90-91.

The position's main function is to maintain oversight of students' progress through core requirements, or other University-wide requirements. Id. at 62. The position does not participate in the development of core or major requirements through participation in a curriculum committee. Id. at 62, 65. Nor does this position have authority in "substantive decision-making situations" such as the waiving of requirements or the

approval of course substitutions. Such authority rests with the associate dean, or in the case of courses constituting major requirements, the faculty advisor in the major department. Id. at 63.

Beatrice Yamasaki, Associate Dean in the College of Arts and Sciences, Office of Student Services and Special Programs, testified as to the function of the subject position. She explained that the subject position would, upon Board approval, be situated in the Counseling and Advising Unit [hereinafter referred to as Unit] in the Office of Student Services and Special Programs, in the College of Arts and Sciences. The Unit is responsible for providing academic advising to all students in the College of Arts and Sciences. Id. at 122-25.

Yamasaki confirmed that Position No. 84092 would not participate in the development of core requirements or sit as a member of the faculty curriculum committee. Id. at 129-30.

Yamasaki also confirmed Tokura's assertions as to the position's lack of authority to engage in substantive decision-making. Yamasaki asserted that the faculty member acting as a department academic advisor has more leeway to approve course substitutions, whereas the Student Services advisor would have to get final approval from her for such substitution. Id. at 139-40.

UHPA disputed Yamasaki's assertions as to the comparative discretion between the faculty and APT advisors. UHPA witness Byron Bender, Professor of Linguistics and chairman of

the Linguistics department, testified that faculty advisors have to follow a course requirement checklist also, and that the faculty advisor cannot waive requirements but must petition the dean for approval of the waiver. Id. at 59-61.

Yamasaki also confirmed Tokura's assertion that Position No. 84092 monitors student progress using standardized requirement guidelines consisting of the University course catalogue, department "updates", and Unit "Program Sheets". Tr. Vol. I, pp. 128-29, Pet. Ex. 14. Yamasaki allowed that, "in certain cases" the Unit advisor could make a determination whether a requirement was satisfied by a comparable course taken outside the University, "through examination of the description of the course". Tr. Vol. I, p. 135. Yamasaki stated that in the event of such a question, the faculty advisor makes the final determination. Id. at 135.

Yamasaki testified that Unit advisors conduct inquiries to determine what degree programs interest the student and give the student "general ideas" as to what constitutes a major, but would direct the student to the major department for further advising. Id. at 138-39.

As reflected in the College of Arts and Sciences organizational chart, and as related by Yamasaki, the Unit includes, aside from the five APT educational specialists (including the instant position), five part-time faculty advisors. These advisors have the same functions as the APT advisors, but share time in academic or research units. Id. at 145, 152.

Some Unit advisors also do a more specialized type of advising than the five part-time faculty advisors in the Unit, such as pre-professional advising. Id. at 147-48.

Yamasaki also testified that Position No. 84092 is essentially similar to two other APT positions in the Educational Specialist II class presently situated in the Unit. Tr. Vol. I, pp. 127-28, 131-32; Pet. Ex. 13A, 13B.

The class specifications for Educational Specialist I, II, III and IV were submitted into evidence. Pet. Ex. 6.

The evidence before the Board pertaining to the definition of "Faculty" follows. The 1969 Faculty Handbook reflects the evolution of the term "Faculty" to that point in time. Faculty is defined as follows:

The Faculty of the University

The Faculty of the University of Hawaii includes all professional workers primarily engaged in instruction, research, or professional service, or in those various activities directly supporting, organizing, or administering instructional, research and public service programs. This includes instructors; those engaged in research; agricultural or home demonstration agents; specialists in such fields as Cooperative Extension, student personnel, various areas directly involved in research activities, certain highly specialized aspects of Libraries and of Continuing Education, and in other areas where the minimum standard requirements for appointment include graduate work beyond the baccalaureate degree and familiarity with the nature and operation of a university, and where the duties and responsibilities include advisory or instructional work with students or work with other faculty members as peers.

Specifically, the Faculty includes all persons classified as Instruction (I), Research (R) or Specialist (S)--see Part 3

below--from grade 2 through senior rank, all classified as County Agents or Home Economists (A), and all administrative officers whose salaries are set specifically by the Board of Regents rather than by pay schedule. This last group includes the President; Vice-Presidents; Assistants to the President; Comptroller; Deans; Directors; Associate and Assistant Directors; Associate and Assistant Deans; and others in similar positions as they may be established. Excluded are technicians, clerical and secretarial workers, janitors, grounds keepers, and similar workers who come under the provisions of the APT (see p. 3-1) classifications or of the state civil service, except as in individual cases the duties and responsibilities of the position may require faculty status for effective performance. Qualified members of the staff of affiliated institutions who have specialized in those fields in which the University offers the doctorate are often, by special action, made affiliate members of the faculty of the Graduate Division, or of other faculties of the University. Academicians temporarily on campus by appointment as "visiting colleagues" (non-salaried) may be accorded the use of University facilities. However, neither they nor affiliate faculty members are eligible to serve in the Faculty Senate, or to elect its members. [Emphasis added.]

Pet. Ex. 7, pp. 1-6.

In the 1977 Edition of the Faculty Handbook, the definition of "faculty" was streamlined so that "advisory or instructional work" was deleted. The definition reads as follows:

"The Faculty of the University of Hawaii at Manoa includes all persons classified as Instruction (I), Research (R) or Specialist (S) -- see Part 3 below -- from grade 2 through senior rank, all persons classified as Extension Agents (A), and all administrative officers so designated by the Board of Regents."

Pet. Ex. 8, pp. 1-6.

UHPA notes that in the 1977 Faculty Handbook for the Community Colleges, instructors and academic counselors seem to be granted equal and like status. The following language is noted: "The Instructor and/or Academic Counselor [hereinafter referred to as "instructor"] in a Community College is primarily a teacher and/or academic counselor." Intervenor [hereinafter referred to as Int.] Ex. 1, p. R-2.

UHPA further notes that in the 1977 Faculty Handbook for Hilo campus, academic advising is made an "additional function" of Instructors. Int. Ex. 2, p. P-2.

As noted by UHPA, the Classification and Compensation of Faculty Members section of the 1977 Faculty Handbook contains no requirement that the "R" category engage in instruction or that the "S" category engage in instruction or research. Int. Ex. 4, pp. 3-1 to 3-11; Brief for Intervenor, pp. 11-12; testimony of Jerome Concowitch, hearing transcript volume II [hereinafter referred to as Tr. Vol. II], pp. 37-38.

CONCLUSIONS OF LAW

The BOR has requested the transfer of Position No. 84092 from Unit 7 to Unit 8 on the basis that the position's duties and responsibilities are consistent with existing positions within the APT classification plan.

Subsection 89-6(a), HRS, establishes thirteen 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, other than faculty;

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

The compensation plans for blue collar positions pursuant to section 77-5 and for white collar positions pursuant to section 77-13, the salary schedules for teachers pursuant to section 297-33 and for educational officers pursuant to section 297-33.1, and the appointment and classification of faculty pursuant to sections 304-11 and 304-13, existing on [July 1, 1970], shall be the bases for differentiating blue collar from white collar employees, professional from nonprofessional employees, supervisory from nonsupervisory employees, teachers from educational officers, and faculty from nonfaculty. In differentiating supervisory from nonsupervisory employees, class titles alone shall not be the basis for determination, but, in addition, the nature of the work, including whether or not a major portion of the working time of a supervisory employee is spent as part of a crew or team with nonsupervisory employees, shall also be considered.

The BOR argues that the duties and responsibilities now assigned to Position No. 84092 are administrative in nature in that they involve the administration of established academic requirements and do not require substantive academic decisions as is characteristic of a true faculty position. Since the position does not serve as a colleague or peer to faculty relative to curriculum development or the performance of assigned duties, the functional role of Position No. 84092 militates against its continued inclusion in the faculty unit. Opening Brief, p. 28.

UHPA argues that academic advising is closely related to and part of instruction and therefore faculty work. UHPA contends that to be a member of the faculty under existing law, prior Board decisions, and existing BOR classifications, one does not have to be engaged in the actual conducting of classes or teaching of students. Further, UHPA argues that the academic advising proposed for the subject position, and now actually done within the unit where the position would be placed, does not differ essentially from academic advising presently done by faculty members in the various departments and other University units. Thus, UHPA maintains that prior Board decisions and controlling statutes support the placement of this position within Unit 7. Brief for Intervenor, p. 24.

As a point of departure in the present discussion, an examination of Decision 132, BOR and UHPA, 2 HPERB 515 (1980) is instructive. In that case the Board held that two student housing specialists (student housing counselors) and seven financial aids specialists (financial aids counselors) were to be transferred from Unit 7 to Unit 8. The Board found the work of the student housing specialist positions to consist of recruitment, selection and training of housing staff and other personnel matters; the organizing of programs for staff training and dorm resident services; the dorm room assignment process; communications with students and the public; and other general responsibilities including formulation of procedures. The Board found the work of financial aids specialist positions to consist of the administration of loan and grant programs; the assessment of

students' financial needs and the creation of aid packages; the development of procedures related to these duties; and some counseling related to long-range goals and academic and personal problems as they related to financial aid. Id. at 520-21.

The Board concluded the financial aids and student housing positions did not belong in the faculty unit stating:

UHPA introduced no evidence indicating that the nine positions involved engagement in the faculty pursuits of teaching, research, and community service, or that the positions were designed to "directly support" such pursuits. Nor does the work of the nine subject positions entail direct involvement with other faculty members "as peers." 1973 Faculty Handbook, pp. 1-6. UHPA instead stresses the "educative role" that personnel in the nine positions play in students' lives. Thus it was noted that financial aids and housing specialists aid students in integrating practical experience with classroom learning. However, there is a difference between personnel playing an academic role involving in teaching, research, and community or public service as compared to personnel playing a more general educative role in support services, such as APT personnel. [Emphasis added.]

Id. at 526.

Thus the Board considered whether the positions were engaged in the pursuits of teaching, research and community service or functions directly supportive thereto. The Board also considered whether the positions were directly involved with other faculty members "as peers." The Board found it significant that the positions played a more general educative role in support services rather than playing an academic role involved in teaching, research, and public service.

The issue of whether academic advisors are engaged in faculty work or administrative, professional and technical work, within the scheme of Subsection 89-6(a), HRS, is obviously a close question. Some faculty positions may involve administrative and technical work and some APT positions may involve some degree of personal service to students and the exercise of professional judgment. Hence, the process of deciding where the line falls dividing faculty work from "administrative, professional and technical work" is difficult and ultimately subjective.

The BOR's assessment of the bargaining unit history of the student advisors appears to be significant, as it sheds considerable light on both the development of the parameters of the faculty and APT units, and on the placement of student advisors in the faculty unit. According to BOR witness Tokura, the BOR in the 1960's was empowered by law to control and direct only faculty positions. Many positions not engaged in instructional activities were thus classified as faculty so that the BOR rather than the State Department of Personnel Services would have jurisdiction over them. Thus the Researcher and Specialist categories were created within the faculty unit. Another category, the "X" category, was created within the faculty, for non-instructor, non-researcher professionals such as engineers. Again, the motive was to enable the BOR to make appointments outside the civil service. In 1965, the civil service law was amended to give the BOR jurisdiction over administrative, professional and technical personnel. A 1967 PAS study

recommended abolishment of the Researcher and Specialist categories by placement of subject position in either the faculty or APT categories. This recommendation was not accepted in order to protect incumbents from a loss of benefits.

Under the PAS plan professional personnel in student services were retained in the faculty group due to the policy then in effect that such personnel were required to teach one-quarter time. PAS recommended that if all incumbents were not teaching one-quarter time within "2 to 3" years, such positions should be reclassified into the APT group. However, there was no follow-up on this recommendation even though the one-quarter time conversion never occurred.

Viewed from this historical perspective, it becomes apparent that some bargaining unit misclassifications at the University of Hawaii have occurred as a result of political and administrative maneuvering rather than indecision as to the proper grouping of personnel. Position No. 84092 as previously described is in the faculty group only because of political and administrative expediency rather than an administrative decision as to the proper grouping of personnel.

The Board thus concludes that Position No. 84092 should be transferred from Unit 7 to Unit 8. The Board considers the BOR's presentation as to the appropriateness of placing the position in Unit 8 on the basis of assigned duties and functions to be persuasive. The BOR convincingly showed that the position is charged with duties principally of an administrative nature.

Advising students regarding to course requirements must be seen as so removed from the instruction or research processes as to be more properly considered a function distinct from those processes, or the direct support thereof.

The conclusion is not altered by the clear evidence from both the BOR and UHPA that APT advisors engage in guidance and advice similar to that engaged in by faculty advisors, and that faculty instructors engage in course and career counseling as an integral part of their duties as instructors. The Board disagrees with the UHPA's contention that student advising is "instructional work" within the meaning of Section 304-13, HRS,¹ by the mere fact that such advising is engaged in by instructors as a "subordinate" function, as Dean Yamasaki termed it. Tr. Vol. I, p. 154. The principal nature of the subject position's work is clearly outside the realm of instruction and research, or support thereof, and is of an administrative nature. In making this distinction, the Board is not implying that instructional work must be engaged in for a position to be considered faculty.

¹Section 304-13, HRS, provides as follows:

Classification schedule. The board of regents shall classify all members of the faculty of the university including research workers, extension agents, and all personnel engaged in instructional work as defined in section 76-16 and adopt a classification schedule conforming, as nearly as may be practical, to the schedules set forth in chapter 77. The department of personnel services of the State shall, upon the request of the board of regents, render such assistance as may be practicable in connection with such classification. The adjustments of

We believe the present administrative action offers no basis for UHPA's concern that the transfer of the instant position from "S"-faculty to Educational Specialist-APT will lead to a decimation of the Research and Specialist ranks in the faculty unit. The present decision offers no basis for such action. The Board bases its present decision on the conclusion that Position No. 84092, examined alone, fits in neither the Instructional or Research categories, and is not clearly within the Specialist category.

Because all bargaining units are subject to on-going reassessment, the Board does not find persuasive UHPA's argument that this position should be designated faculty since full-time advisors in the College of Education, such as UHPA witness, Jerome Concowitch, are designated faculty. Tr. Vol. II, pp. 5, 12-13; Brief for Intervenor, pp. 5-6.

The facts that academic counselors are considered instructors in the Community Colleges and that advising is a

Footnote Continued

compensation to conform with the classification shall be made in general accordance, so far as may be practical, with chapter 77, relating to state employees.

Annual increases of compensation shall be allowable, and shall be allowed, in general accordance, so far as may be practical, with chapter 77, providing for the allowance of annual increases to state employees for efficient service, and the board of regents shall adopt a fair and reasonable plan for rating the efficiency of individual employees affected by this section.

faculty function at the Hilo Campus are of little determinative value herein, given the lack of supporting rationale for those designations in comparison with the historical analysis of the classification system in question available herein.


Neither is the Board persuaded by UHPA's argument that, in requiring a "Master of Arts in a discipline associated with Arts and Sciences, preferably in English or related field" for Position No. 84092, the BOR is setting faculty minimum qualifications, and so should properly consider the position a faculty position. Subsection 89-9(d), HRS, grants the employer the right to "determine qualification[s]" of employees and contains no provision which could be construed as suggesting that faculty and APT minimum qualifications cannot overlap.

ORDER

Position No. 80492 shall be transferred from bargaining unit 7 to bargaining unit 8. The procedure, including the effective date of said transfer, shall be worked out among the BOR, UHPA and HGEA, provided that in no event shall the effective date of the transfer be earlier than the date of this decision. If the parties fail to agree upon the mechanics of the transfer, any of them may make a motion before this Board for assistance in resolving the dispute.

DATED: Honolulu, Hawaii, November 13, 1984.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD


MACK H. HAMADA, Chairperson

BOARD OF REGENTS, University of Hawaii vs. UNIVERSITY OF HAWAII
PROFESSIONAL ASSEMBLY
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JAMES R. CARRAS, Board Member

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