

STATE OF HAWAII

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of	)	CASE NOS.: RA-03-87a
	)	RA-08-87b
BOARD OF REGENTS, University	)	
of Hawaii,	)	DECISION NO. 206
	)	
Petitioner.	)	FINDINGS OF FACT, CONCLU-
	)	SIONS OF LAW AND ORDER

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FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER

On April 29, 1985, 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 amendment of the bargaining unit designation of Position No. 15115, Personnel Clerk III, from inclusion in bargaining unit 3 (Nonsupervisory employees in white collar positions) to bargaining unit 8 (Personnel of the University of Hawaii and the community college system). The amendment is premised upon the assignment of duties and responsibilities which are reflective of the class Computer Specialist II which is included in 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, Vice President for Administration, University of Hawaii, regarding Position No. 15115, dated April 23, 1985;

2. APT Position Description for the Computer Specialist II, 91015, PO5 (Exhibit A); and

3. Letter, dated March 25, 1985, from Harold S. Masumoto to Russell Okata, Executive Director, Hawaii Government Employees Association [hereinafter referred to as HGEA], requesting the HGEA's concurrence with the proposed bargaining unit designation amendment (Exhibit B).

Based on the affidavit of Harold S. Masumoto 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 University of Hawaii [hereinafter referred to as UH], which includes employees in bargaining units 3 and 8.

The HGEA is the certified exclusive representative, as defined in Subsection 89-2(12), HRS, of employees in bargaining units 3 and 8.

The HGEA concurs with the BOR's proposed bargaining unit designation amendment of the subject position from inclusion in bargaining unit 3 to bargaining unit 8, and is deemed to have waived the right to a hearing thereon. Petitioner's Exhibit B.

Position No. 15115 is presently classified as a Personnel Clerk II and located in the Director's Office under the Office of Research Administration, UH at Manoa. The position, presently vacant, has been assigned duties and responsibilities which are reflective of the class Computer Specialist II, a class within the APT classification plan. Position No. 15115 will be responsible for, and perform the following duties in the approximate percentages of time:

1. Maintaining a data bank, and producing reports as required by the Chancellor and the Board of Regents on extramurally funded projects (25%);
2. Developing and maintaining software on intramurally funded projects (25%);
3. Developing an information system on extramural funding opportunities and a system for dissemination to faculty (25%);
4. Upgrading and maintaining computer programs for extramurally funded projects: proposals; and projects pending, awarded, and terminated (15%);
5. Developing programs to enable the merging of data with data files (5%); and
6. Maintaining a data bank on intramurally funded projects and producing reports for the University Research Council, the Governor, and the Legislature (5%). 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 amendment of the bargaining unit designation of Position No. 15115 from inclusion in bargaining unit 3 to bargaining unit 8, as the position's newly assigned 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:

\* \* \*

(3) Nonsupervisory employees in white 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 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. 15115, the Board concludes that the position maintains and/or develops data banks, computer programs, software, and an information system for intramurally and extramurally funded projects and data files. Further, the position produces various reports for submittal to the Chancellor, the Board of Regents, the University Research Council, the Governor, and the Legislature. Accordingly, the Board concludes that the duties and responsibilities of Position No. 15115 clearly reflect administrative, professional, and technical responsibilities within the UH system. Thus, as the BOR has proposed the amendment of the subject position to a class within the APT system, the position would appropriately be placed in bargaining unit 8.

#### ORDER

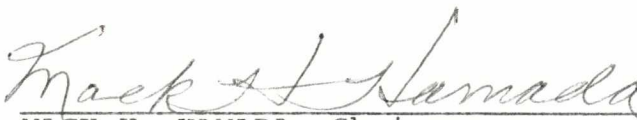
The bargaining unit designation of Position No. 15115 shall be amended from inclusion in bargaining unit 3 to inclusion in bargaining unit 8.

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

BOARD OF REGENTS, University of Hawaii; CASE NOS.: RA-03-87a,  
RA-08-87b  
FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER  
DECISION NO. 206

DATED: Honolulu, Hawaii, June 12, 1985.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

  
MACK H. HAMADA, Chairperson

  
JAMES K. CLARK, Board Member

  
JAMES R. CARRAS, Board Member

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