

STATE OF HAWAII

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

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| In the Matter of |) | CASE NOS.: RA-03-86a |
| |) | RA-08-86b |
| |) | |
| BOARD OF REGENTS, University |) | DECISION NO. 207 |
| of Hawaii, |) | |
| |) | FINDINGS OF FACT, CONCLU- |
| Petitioner. |) | SIONS OF LAW AND ORDER |
| |) | |

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. 17299, Account Clerk IV, 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 a review of the position's duties and responsibilities, and the proposed reclassification of the position to University of Hawaii [hereinafter referred to as UH] Administrative Officer II, a class 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, Vice President for Administration, UH, regarding Position No. 17299, dated April 23, 1985;

2. APT Position Description for the UH Administrative Officer II, 91606, P06 (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 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. 17299 is presently classified as an Account Clerk IV and located at the Hawaii Institute of Marine Biology [hereinafter referred to as HIMB], UH. As the position, presently vacant, serves as the chief administrative officer of the institute, its duties and responsibilities are reflective of the class UH Administrative Officer II, a class within the APT classification plan. The position reports to the Director of the HIMB and is primarily responsible for the following duties which encompass approximately 40 percent of the work time:

1. Maintaining information on the status of each account, including transactions not yet reflected in University accounting records;
2. Initiating action to clear encumbrances and deficits in terminating accounts;
3. Reviewing, verifying and adjusting central administration accounting reports;
4. Projecting the status of accounts and the organization's financial position for financial planning and budgetary control purposes;
5. Making fiscal analyses and proposing solutions to organizational fiscal problems;
6. Maintaining HIMB revolving fund accounts which require complex computations to determine fees and charges based on sample analysis to be billed to various accounts;
7. Providing HIMB management with budget summaries, analyses, and projections;

8. Interpreting UH and Federal regulations to principal investigators and HIMB management;

9. Attending Fiscal Officers' meetings as official representative for HIMB; and

10. Maintaining liaison with UH departments and faculty members, and government granting agencies.

The position is also responsible for the following procurement of goods and services within the purchasing authority delegated by the business office for 20 percent of the work time:

1. Assisting requisitioners in developing technical specifications of goods, services and vendors on the basis of competitive quotations;

2. Certifying the availability of funds;

3. Administering University contracts to ensure satisfactory performance by vendors;

4. Developing information on program requirements and expenditure plans in support of the annual budget preparation; and

5. Reviewing allotments to ensure that commitments do not exceed resources. 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. 17299 from inclusion in

bargaining unit 3 to bargaining unit 8, as the position's duties and responsibilities are consistent with existing administrative 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 Federal 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 a complete review of the duties and responsibilities to be performed by Position No. 17299, the Board concludes that the position serves as the chief administrative officer of the HIMB. In this capacity, the position maintains various types of accounts, provides the HIMB management with fiscal projections and analyses, interprets UH and Federal regulations, attends fiscal meetings as official representative for the HIMB, and is responsible for the procurement of goods and services of the HIMB. Accordingly, the Board concludes that the duties and responsibilities of Position No. 17299 reflect administrative, professional and technical duties 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 bargaining unit 8.

ORDER

The bargaining unit designation of Position No. 17299 is amended from inclusion in bargaining unit 3 to inclusion in bargaining unit 8.

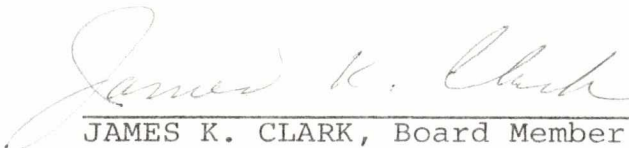
The effective date of the transfer shall not be earlier than the date of this decision.

DATED: Honolulu, Hawaii, June 12, 1985.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD


MACK H. HAMADA, Chairperson

BOARD OF REGENTS, University of Hawaii, CASE NOS.: RA-03-86a,
RA-08-86b
DECISION NO. 205
FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER


JAMES K. CLARK, Board Member


JAMES R. CARRAS, Board Member

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