

STATE OF HAWAII  
HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of	)	CASE NOS.: RA-01-88a
	)	RA-08-88b
BOARD OF REGENTS, University	)	
of Hawaii,	)	DECISION NO. 208
	)	
Petitioner.	)	FINDINGS OF FACT, CONCLU-
	)	SIONS OF LAW AND ORDER

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FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER

On June 4, 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. 11609, Electrical Laboratory Technician, from inclusion in bargaining unit 1 [Non-supervisory employees in blue 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] Electronic Technician II, a class within the Administrative, Professional and Technical [hereinafter referred to as APT] classification plan.

The BOR submitted the petition together with the following documents:

1. Affidavit of Harold S. Masumoto, Vice-President for Administration, UH, regarding Position No. 11609, dated May 29, 1985;

2. APT Position Description for the UH Electronic Technician II, #93116, P09 (Exhibit A);

3. Class Specifications for UH Electronic Technician II (Exhibit B);

4. Letter dated September 16, 1985 from Harold S. Masumoto, Vice-President for Administration, UH, to Gary Rodrigues, State Director, United Public Workers [hereinafter referred to as UPW], requesting the UPW's concurrence with the proposed bargaining unit designation amendment (Exhibit C).<sup>1</sup>

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 1 and 8.

The UPW is the certified exclusive representative, as defined in Subsection 89-2(12), HRS, of employees in bargaining unit 1.

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<sup>1</sup>On October 10, 1985, the BOR filed a Motion to Amend Petition. The petition was subsequently amended to include this document on October 23, 1985 by Board Order No. 566.

The UPW concurs with the BOR's proposed bargaining unit designation amendment of the subject position from inclusion in bargaining unit 1 to bargaining unit 8, and is deemed to have waived the right to a hearing thereon. Petitioner's Exhibit C.

Position No. 11609 is presently classified as Electrical Laboratory Technician, WB-15, and is located in the Electrical Engineering Division, College of Engineering, UH at Manoa. The position, presently vacant, has been assigned duties and responsibilities reflective of an Electronic Technician II, a class within the APT classification plan. Position No. 11609 will be responsible for, and perform the following duties in the approximate percentages of time: 1) Designing, constructing, calibrating, adjusting, testing, and repairing advanced electronic testing equipment and instruments, many of which contain micro-processors, memory systems or I/O interfaces (35%); 2) Inventorying, ordering, stocking, and replenishing expendable instructional laboratory supplies (20%); 3) Instructing and supervising faculty, graduate, and undergraduate students in the safe operation of electronic testing equipment and other hardware (15%); 4) Serving as the technical expert on electronic test equipment and hardware (15%); 5) Supervising students and other assistants in performing a variety of electronic equipment and instructional support activities (15%). 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. 11609 from inclusion in bargaining unit 1 to inclusion in 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:

\* \* \*

(1) Nonsupervisory employees in blue collar positions;

\* \* \*

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

In its attempt to specifically determine the composition of Unit 8, the Board noted in Decision 125, 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).

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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. 11609, the Board concludes that the position is highly technical in nature. In this capacity, the position designs, constructs, calibrates, repairs, instructs, and serves as technical expert on advanced electronic equipment and instruments. Additionally, the position is responsible for insuring that the proper components and supplies necessary to operate or repair electronic testing equipment and laboratory instruments are available. Accordingly, the Board concludes that the duties and responsibilities of Position No. 11609 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 should appropriately be placed in bargaining unit 8.

ORDER

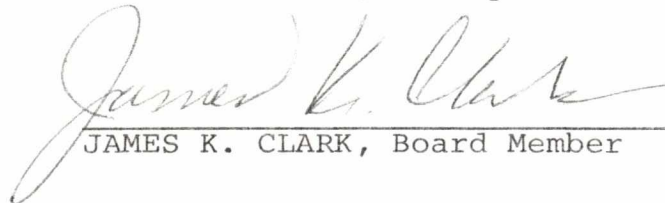
The bargaining unit designation of Position No. 11609 is amended from inclusion from bargaining unit 1 to inclusion in bargaining unit 8.


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

DATED: Honolulu, Hawaii, December 9, 1985.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

  
MACK H. HAMADA, Chairperson

  
JAMES K. CLARK, Board Member

  
JAMES R. CARRAS, Board Member

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