

STATE OF HAWAII

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of	)	CASE NOS.: RA-13-91a
	)	RA-08-91b
BOARD OF REGENTS, University	)	
of Hawaii,	)	DECISION NO. 209
	)	
Petitioner.	)	FINDINGS OF FACT, CONCLU-
	)	SIONS OF LAW AND ORDER

---

FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER

On October 2, 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. 11098, Publications Editor III, from inclusion in bargaining unit 13 (Professional and scientific employees, other than registered professional nurses) to bargaining unit 8 (Personnel of the University of Hawaii and the community college system, other than faculty). The amendment is premised upon a review of the position's duties and responsibilities, and the proposed reclassification of the position to Graphic Artist III, 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, University of Hawaii [hereinafter referred to as UH], regarding Position No. 11098, dated September 27, 1985;

2. APT Position Description for the Graphic Artist III, 93012, P08 (Exhibit A);

3. Class specifications for the Graphic Artist III from the University's APT Classification Plan (Exhibit B); and

4. Letter, dated May 20, 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 C).

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 the employees of the UH, which includes employees in bargaining units 8 and 13.

The HGEA is the certified exclusive representative, as defined in Subsection 89-2(12), HRS, of employees in bargaining units 8 and 13.

The HGEA concurs with the BOR's proposed bargaining unit designation amendment of the subject position from inclusion

in bargaining unit 13 to bargaining unit 8, and is deemed to have waived the right to a hearing thereon. Petitioner's Exhibit C.

Position No. 11098 is presently classified as a Publications Editor III and located in the Office of University Relations, UH at Manoa. The position is responsible for the professional execution and supervision of the design and production of graphics, illustration and photographic materials for various publications, including specifications development and vendor relations. Accordingly, the position is involved in highly technical and supervisory artistic work, which is reflective of the class entitled Graphic Artist III, a class within the APT classification plan. The position reports to the Associate Director, Office of University Relations, and performs the following duties:

1. Supervises and manages the publications section of the Office of University Relations under the general direction of the Associate Director;

2. Manages and directs a staff of design, photographic and editorial personnel, which includes making work assignments, reviewing work, obtaining cost estimates, hiring and training;

3. Performs and/or supervises all design and production aspects of a graphics, illustrative and photographic nature necessary to produce work of a highly professional nature;

4. Acts as principal consultant for the University on design, which includes collaborating with scientists, faculty members and others to determine and solve the problems involving the design, production and editing of materials for publication;

5. Supervises and/or executes contract assignments and coordinates work with vendors to assure completion of contracts; and

6. Operates independently in contacts with clients from the University community. Petitioner's Exhibits A and B.

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. 11098 from inclusion in bargaining unit 13 to bargaining 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:

\* \* \*

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

\* \* \*

(13) Professional and scientific employees, other than registered professional nurses; . . .



In its attempt to more specifically determine the composition of bargaining 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 (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. 11098, the Board concludes that the position supervises and manages the publications section of the Office of University Relations under the general direction of the Associate Director. In this capacity, the position manages and directs design, photographic and editorial personnel. Further, the position serves as principal consultant for the University on design, and reviews art work for quality and effectiveness. Accordingly, the Board concludes that the

duties and responsibilities of Position No. 11098 reflect 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. 11098 is amended from inclusion in bargaining unit 13 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 30, 1985.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

  
MACK H. HAMADA, Chairperson

  
JAMES K. CLARK, Board Member

  
JAMES R. CARRAS, Board Member

Copies sent to:

Harold S. Masumoto  
Publications Distribution Center  
State Archives  
University of Hawaii Library  
Robert Hasegawa, CLEAR  
Library of Congress  
Joyce Najita, IRC