

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NOS.: RA-03-100a
)	RA-08-100b
BOARD OF REGENTS, University)	
of Hawaii,)	DECISION NO. 216
)	
Petitioner.)	FINDINGS OF FACT, CONCLU-
)	SIONS OF LAW AND ORDER
)	

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

On May 2, 1986, 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 Labor Relations Board [hereinafter referred to as Board]. In its petition, the BOR requested the transfer of Position No. 764, Personnel Clerk IV, from inclusion in bargaining unit 3 (Non-supervisory employees in white collar positions) 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 position's duties and responsibilities, and the proposed reclassification of the position to Personnel Officer I, a class within the Administrative, Professional and Technical [hereinafter referred to as APT] Classification and Compensation Plan.

The BOR submitted the following documents with the petition:

1. Affidavit of Harold S. Masumoto, Vice President for Administration, University of Hawaii [hereinafter referred to as UH], regarding Position No. 764, dated May 2, 1986;

2. Position description for the UH Personnel Officer I, PO3 (Exhibit A); and

3. Letter, dated April 15, 1986, from Harold S. Masumoto to Russell Okata, Executive Director, Hawaii Government Employees Association [hereinafter referred to as HGEA], requesting concurrence with the proposed bargaining unit 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 the 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 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. 764 is presently classified as a Personnel Clerk IV and located in the Office of Library Services, UH at Manoa. The position is responsible for providing professional personnel services and assistance in concert with the University-wide delegation of personnel authority and the administrative reorganization of the UH. Accordingly, the position is involved in highly technical and administrative work, which is reflective of the class entitled UH Personnel Officer I, a class within the APT Classification and Compensation Plan. Hence, the position is proposed for reclassification.

The position performs the following duties and responsibilities in the approximate percentages of work time:

1. Administrative liaison for personnel matters (40%):

- (A) Handles personnel transactions and interprets and advises administrators, staff and new employees on personnel matters;
- (B) Maintains currency with UH, Civil Service and State procedures and regulations regarding personnel transactions; and
- (C) Works with the UH Personnel, Payroll, Student Employment and Financial Aid Offices.

2. Personnel transactions and data records (50%):

- (A) Prepares justification and request forms for vacancy clearance, handles preliminary recruitment procedures and monitors for equal employment opportunity compliance for BOR appointees, Civil Service employees and student assistants;
- (B) Processes requests for the redescription, reallocation and creation of new positions, and assists in writing position descriptions;
- (C) Coordinates the timely processing of Library Faculty contract renewal, promotion and tenure review documents;

- (D) Processes performance evaluation and advises department heads on the implications and ramifications of evaluation actions;
- (E) Maintains and updates confidential personnel files;
- (F) Maintains files on all recruitment efforts to insure compliance with equal employment opportunity recordkeeping requirements; and
- (G) Supervises the preparation of personnel documents and provides data for personnel analysis, studies, surveys and grievance investigations.

3. Other duties (10%).

- (A) Arranges travel for faculty and staff and processes training requests.

Petitioner's Exhibit A.

Based on these duties and responsibilities, the position has been proposed for reclassification within the APT Classification and Compensation Plan.

CONCLUSIONS OF LAW

The BOR has requested the amendment of the bargaining unit designation of Position No. 764 from inclusion in bargaining unit 3 to bargaining unit 8, as the position's duties and responsibilities are consistent with the UH Personnel Officer series, a class within the APT Classification and Compensation 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) Non-supervisory employees in white collar positions;

* * *

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

In its attempt to more specifically determine the composition of bargaining unit 8, the Board noted in Decision No. 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 that the following employees are to be included in bargaining 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. 764, the Board concludes that the position serves as administrative liaison for personnel matters, and initiates and audits source documents for a full range of personnel matters, including employee benefits, training and recruitment. Performance of these duties requires

the position to possess a high level of understanding and to adhere to strict personnel procedures. The position also exercises initiative, discretion and judgment in selecting the appropriate means of handling a full range of sensitive personnel transactions. Accordingly, the Board concludes that the duties and responsibilities of Position No. 764 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

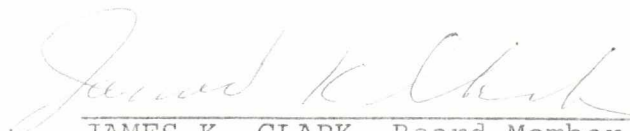
The bargaining unit designation of Position No. 764, UH Personnel Officer I, is amended from inclusion in bargaining unit 3 to inclusion in bargaining unit 8.

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

DATED: Honolulu, Hawaii, June 4, 1986.

HAWAII LABOR RELATIONS BOARD


MACK H. HAMADA, Chairperson


JAMES K. CLARK, Board Member


JAMES R. CARRAS, Board Member

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