

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. RA-08-103
)	
BOARD OF REGENTS, University)	DECISION NO. 218
of Hawaii,)	
)	FINDINGS OF FACT, CONCLU-
Petitioner.)	SIONS OF LAW AND ORDER
)	

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

On May 9, 1986, the BOARD OF REGENTS of the University of Hawaii [hereinafter referred to as Petitioner or 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 that Position No. 80153, University of Hawaii [hereinafter referred to as UH] Program Budget Specialist III, be included in bargaining unit 8 (Personnel of the University of Hawaii and the community college system, other than faculty). The inclusion is premised upon the reassignment of the position to an office where other UH Program Budget Specialists, who perform duties similar to Position No. 80153, are classified within the Administrative, Professional and Technical [hereinafter referred to as APT] classification plan and included in bargaining unit 8.

The BOR submitted the following documents with the petition:

1. Affidavit of Harold S. Masumoto, Vice President for Administration, UH, regarding Position No. 80153, dated May 9, 1986;

2. Position description for the UH Program Budget Specialist III (Exhibit A);

3. Class specifications for the UH Program Budget Specialist III (Exhibit B); and

4. Letter, dated March 25, 1986, 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 inclusion of Position No. 80153 in bargaining unit 8 (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 unit 8.

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

The HGEA concurs with the BOR's proposed inclusion of Position No. 80153 in bargaining unit 8 and is deemed to have waived the right to a hearing thereon. Petitioner's Exhibit C.

As a result of the Universitywide reorganization, Position No. 80153 has been reassigned from the University Budget Office, where it previously reported to the Office of the Vice President for Administration, to the new University Budget Office, which reports to the Office of the Associate Vice President for Planning, Policy and Budget. The position was previously excluded from bargaining unit 8. However, as Position No. 80153 performs professional work which is consistent with other UH Program Budget Specialists within the APT classification plan, the position is proposed for reclassification within the APT classification plan and inclusion in bargaining unit 8.

Position No. 80153 is involved in budget formulation, financial analysis and planning, and program budget administration.

More specifically, the position performs the following duties and responsibilities in the approximate percentages of work time:

1. Assists in the development of procedures and guidelines to aid campuses of the UH system in formulating and preparing proposals on long-range program and financial plans, program budget requests and program performance reports; coordinates, analyzes and revises proposals prepared by the campuses; and assists in the preparation, explanation and administration of the University long-range program and financial plans, program budget requests and program performance reports (45%);

2. Conducts comprehensive, in-depth analyses of on-going and new University programs, problems and issues to

provide the administration with a rational basis for decision-making (15%);

3. Provides information concerning programs, budget, and fiscal and management operations of the University, as requested by the Legislature and Executive Branch (15%);

4. Reviews and advises the Director of the University Budget Office on the financial condition of the University (10%);

5. Executes and monitors the policy and budget determinations of the Legislature, Governor and University administration; and assists in reviewing and approving campus expenditure plans, allotment requests, transfer of funds between programs and travel requests (10%); and

6. Assumes responsibility of the office in the Director's absence (5%). Petitioner's Exhibits A and B.

Based on these duties and responsibilities, the position is proposed for inclusion in bargaining unit 8.

CONCLUSIONS OF LAW

The BOR has requested the inclusion of Position No. 80153 in 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;. . .

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 referred to as 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. 80153, the Board concludes that the position is responsible for professional work involving budget formulation, complex financial analysis and planning, and program budget administration. Further, performance of its duties requires the position to possess thorough knowledge of

governmental budgeting and fund accounting systems principles, statistical analysis methods and techniques applicable to administrative problems, theories and principles of organization and management, and campus organization, programs, policies and procedures. Accordingly, the Board concludes that the position's duties and responsibilities reflect professional 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. 80153 is amended from exclusion from bargaining unit 8 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 9, 1986.

HAWAII LABOR RELATIONS BOARD



MACK H. HAMADA, Chairperson



JAMES K. CLARK, Board Member



JAMES R. CARRAS, Board Member

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