

In the Matter of) CASE NOS.: RA-03-104a
) RA-08-104b
BOARD OF REGENTS, University)
of Hawaii,) DECISION NO. 219
)
Petitioner.) FINDINGS OF FACT, CONCLU-
) SIONS OF LAW AND ORDER
)

On May 20, 1986, the BOARD OF REGENTS of the University of Hawaii [hereinafter referred to as BOR or Petitioner] 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 amendment of the bargaining unit designation of Position No. 21993, Personnel Clerk V, 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 the position's duties and responsibilities, and the proposed reclassification of the position to University of Hawaii [hereinafter referred to as UH] 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 Sharen M. Tokura, Acting Director of Personnel, UH, regarding Position No. 21993, dated May 20, 1986;

2. APT Position Description for the UH Personnel Officer I, 91210 PO3 (Exhibit A);

3. Class specifications for the UH Personnel Officer I from the University's APT Classification and Compensation Plan (Exhibit B); and

4. Letter, dated April 30, 1986, from Harold S. Masumoto, Vice President for Administration, UH, 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 Sharen M. Tokura 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 the employees in bargaining units 3 and 8.

The HGEA concurs with the BOR's proposed 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 C.

Position No. 21993 is presently classified as a Personnel Clerk V and located in the Administrative Services Division, Leeward Community College, which provides personnel services to approximately 807.5 employees. The position is primarily responsible for providing personnel support services in all areas of personnel administration and management. More specifically, the position performs the following duties in the approximate percentages of work time:

1. Personnel Management (75%):

Serves as primary resource person at the College for personnel management matters; supervises, coordinates and reviews the preparation and processing of all personnel transactions in accordance with established procedures; provides technical advice and assistance to the Provost and other administrators, staff and faculty on activities relating to personnel administration; meets with staff members, job applicants, employees, union representatives and the general public to discuss problems relative to personnel matters; establishes personnel systems for the collection, recording, and reporting of personnel data and transactions; coordinates personnel actions of the College with the Community College Chancellor's Office and the UH Personnel Management Office; serves as liaison with personnel in the various community colleges and the UH; prepares, reviews and maintains organizational charts; maintains position control of all appropriated positions, reallocations, reassignment and status; and prepares and submits monthly statistical reports on OSHA, vacancy and other related data;

2. Personnel Recordkeeping (10%):

Coordinates and maintains the filing of all documents related to personnel administration; supervises the maintenance and monitoring of vacation and sick leave records; and reviews and processes all out-service training requests;

3. Budget Preparation and Execution (5%):

Assists in the preparation of the college's bien-nium budget in the area of personnel cost and justification;

4. Worker's Compensation Claims (5%):

Supervises the preparation of industrial injury claims for all personnel; and

5. Recruitment and Hiring (5%):

Reviews and evaluates all BOR position advertisements; insures that job announcements are properly posted and distributed; reviews and evaluates applications; and maintains priority lists for APT appointments.

Petitioner's Exhibits A and B.

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. 21993 from inclusion in bargaining unit 3 to bargaining unit 8, as the position's duties and responsibilities are consistent with existing positions within the APT Classification and Compensation Plan.

Subsection 89-6(a), HRS, established 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 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 (hereafter 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 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. 21993, the Board concludes that the position provides professional and technical personnel support services and assistance in all areas of personnel administration and management. Further, the position serves as primary resource person at the College for matters dealing with personnel management and administration. Accordingly, the Board concludes that the duties and responsibilities of Position No.

21993 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 be appropriately placed in bargaining unit 8.

ORDER

The bargaining unit designation of Position No. 21993 is amended from inclusion from bargaining unit 3 to inclusion to bargaining unit 8.

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

DATED: Honolulu, Hawaii, June 12, 1986.

HAWAII LABOR RELATIONS BOARD


JAMES K. CLARK, Board Member


JAMES R. CARRAS, Board Member

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