

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NOS.: RA-03-115a
)	RA-08-115b
BOARD OF REGENTS, University)	
of Hawaii,)	DECISION NO. 227
)	
Petitioner.)	FINDINGS OF FACT, CONCLU-
)	SIONS OF LAW AND ORDER
)	

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

On September 22, 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 Nos. 12231, 12917, 15257, 21578 and 30960, each entitled Buyer III, from inclusion in bargaining unit 3 (Nonsupervisory 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 positions' duties and responsibilities, and the proposed reclassification of the positions to University of Hawaii [hereinafter referred to as UH] Procurement and Property Management Specialist III, 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, UH, regarding Position Nos. 12231, 12917, 15257, 21578 and 30960, dated September 22, 1986;

2. APT position description for the UH Procurement and Property Management Specialist III, 91112, PO7 (Exhibit A);

3. APT position description for the UH Procurement and Property Management Specialist III, 91112, PO7 (Exhibit B);

4. APT position description for the UH Procurement and Property Management Specialist III, 91112, PO7 (Exhibit C);

5. APT position description for the UH Procurement and Property Management Specialist III, 91112, PO7 (Exhibit D);

6. APT position description for the UH Procurement and Property Management Specialist III, 91112, PO7 (Exhibit E);

7. Class specifications for the UH Procurement and Property Management Specialist III (Exhibit F); and

8. Letter, dated August 21, 1986, from Sharen M. Tokura, Acting Director of Personnel, 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 amendments (Exhibit G).

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 the employees in bargaining units 3 and 8.

The HGEA concurs with the BOR's proposed amendment of the subject positions 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 G.

Position Nos. 12231, 12917, 15257, 21578 and 30960, each presently classified as a Buyer III, are located in the Procurement Section, Procurement and Property Office, UH, which is responsible for all purchases of goods and services for the University system. More specifically, each position performs the following duties in the approximate percentages of work time:

1. Prepares specifications and contracts for both formal and informal procurement of commodities and services; prepares Notice to Bidders, including all pertinent information; answers questions and correspondence received from prospective bidders relevant to the bid project; and prepares formal and informal contracts and letters of transmittal required at various stages of the contracting procedure (55%);
2. Administers formal contracts (20%);

3. Processes requests for sole source purchases over \$4,000 (5%);

4. Reviews and prepares services contracts, including consultant, professional, and expert services in any dollar amount (5%);

5. Compiles and analyzes data on usage of selective commodities and services for inclusion in proposed requirement contracts (3%);

6. Processes purchases of goods and services under \$4,000 in accordance with State and Federal laws, and University policies and procedures (2.5%);

7. Prepares and monitors lease/rental agreements for scientific equipment, all types of office equipment, computers, etc.; and prepares and monitors service/maintenance agreements for equipment in accordance with University policy and service agreements (2.5%);

8. Maintains liaison with commercial activities to keep abreast of current market conditions, to assist departments, and to check on costs and commodity availability (3%);

9. Explains procedures on doing business with the University, and discusses problems concerning purchases, payment, delivery, etc.; and

10. Other duties (1%). Petitioner's Exhibits A through E.

The pertinent minimum qualification requirements for the UH Procurement and Property Management Specialist III from the positions' class specifications are as following:

1. Graduation from an accredited 4-year college or university with major course work in business administration or a closely related field;

2. Three years of progressively responsible experience involving procurement, purchasing, contracting or acquisition dispositions of real property, including at least two years of work experience in an appropriate area; or

3. Any equivalent combination of training and experience. Petitioner's Exhibit F.

Based on these duties and responsibilities, and minimum qualification requirements, the positions have 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 Nos. 12231, 12917, 15257, 21578 and 30960 from inclusion in bargaining unit 3 to bargaining unit 8, as the positions' duties and responsibilities are consistent with the UH Procurement and Property Management Specialist III, 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) 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 Nos. 12231, 12917, 15257, 21578 and 30960, the Board concludes that each position is responsible for performing complex contracting and procurement activities. Accordingly, the Board concludes that the duties and

responsibilities of the subject positions reflect professional and technical responsibilities within the UH system. Thus, as the BOR has proposed the reclassification of the subject positions to a class within the APT system, the positions would appropriately be placed in bargaining unit 8.

ORDER

The bargaining unit designation of Position Nos. 12231, 12917, 15257, 21578 and 30960 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, October 31, 1986.

HAWAII LABOR RELATIONS BOARD



MACK H. HAMADA, Chairperson



JAMES K. CLARK, Board Member



JAMES R. CARRAS, Board Member

Copies sent to:

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