

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NOS.: RA-02-116a
)	RA-08-116b
BOARD OF REGENTS, University)	
of Hawaii,)	DECISION NO. 229
)	
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 No. 818, Grounds Maintenance Superintendent I, from inclusion in bargaining unit 2 (Supervisory employees in blue 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] Auxiliary and Facilities Services Officer 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 No. 818, dated September 22, 1986;
2. Position description for the UH Auxiliary and Facilities Services Officer III (Manager of Landscaping Section), 93227, PO 7 (Exhibit A);
3. Class specifications for the UH Auxiliary and Facilities Services Officer III, 93227 (Exhibit B); and
4. 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 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 2 and 8.

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

The HGEA concurs with the BOR's proposed amendment of the subject position from inclusion in bargaining unit 2 to bargaining unit 8, and is deemed to have waived the right to a hearing thereon. Petitioner's Exhibit C.

Position No. 818 is presently classified as a Grounds Maintenance Superintendent I, and has responsibility and authority over the Landscaping Section, Buildings and Grounds Management Branch, Campus Operations Division, UH. The Landscaping Section provides ground maintenance services at the UH at Manoa campus, including the main and mauka campuses, College Hill, and for selected activities at the makai campus.

Position No. 818 performs the following duties in the approximate percentages of work time:

1. Planning (20%): Assists in establishing and maintaining landscaping policies and procedures; participates in the development of short and long term financing and program plans for the maintenance of the campus landscape; researches, reviews, and/or develops plans and specifications for landscaping projects, supplies, and equipment; and plans and coordinates work with class schedules, research programs, special events and departmental activities;

2. Supervision (60%): Plans, organizes and directs the work of the Grounds Maintenance Supervisor I, Equipment Operator II, Heavy Truck Driver, Nursery Worker I, Groundskeeper

II, and provides general supervision to supervisors and group leaders of all landscaping personnel; inspects, reviews and evaluates the work performed by landscaping personnel engaged in caring for and maintaining landscape and/or unimproved areas; instructs and demonstrates to the supervising personnel and operators the proper care and handling of new equipment and tools; inspects grounds, sidewalks, parking lots, roads and other areas for safety, and submits work requests for repair or correction; coordinates, instructs and advises the contractor or plumber in installation and maintenance of pipelines and irrigation systems; plans, inspects and coordinates grounds care and maintenance schedules; and trains staff in improving work performance, accident prevention, and new methods and procedures; and

3. Administration (20%): Drafts class specifications and position descriptions for new landscaping positions or selected positions to be reclassified; conducts interviews and recommends selection of prospective employees of the Campus Services Section; reviews construction plans for facilities and inspects contractors' work in landscaping; provides assistance and advice to community colleges, State agencies and UH at Manoa departments regarding landscaping plans and operating methods, supervises, reviews and recommends action on vacation schedules, attendance records and other personnel reports. Petitioner's Exhibits A and B.

As a minimum, the position requires graduation from an accredited four-year college or university with course work in

agronomy, horticulture, business or public administration and three years of experience in supervising maintenance personnel. 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. 818 from inclusion in bargaining unit 2 to bargaining unit 8, as the position's duties and responsibilities are consistent with the UH Auxiliary and Facilities Services Officer 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:

* * *

(2) Supervisory employees in blue 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.

After a complete review of the duties and responsibilities to be performed by Position No. 818, the Board concludes that the position, in managing the Landscaping Section, assists in the development of landscaping policies and procedures, supervises and trains subordinates, researches, reviews and/or develops plans and specifications for products and equipment for landscaping use, and participates in departmental long-range planning. Accordingly, the Board concludes that the duties and responsibilities of Position No. 818 reflect administrative and 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.

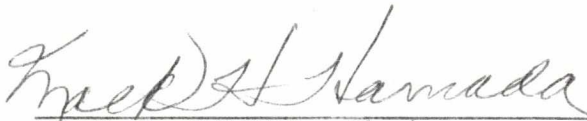
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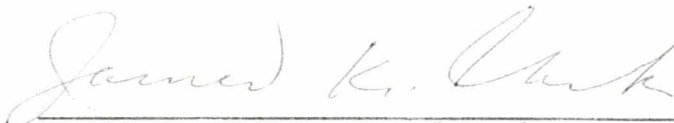
The bargaining unit designation of Position No. 818 is amended from inclusion in bargaining unit 2 to inclusion in bargaining unit 8.

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

DATED: Honolulu, Hawaii, November 25, 1986.

HAWAII LABOR RELATIONS BOARD


MACK H. HAMADA, Chairperson


JAMES K. CLARK, Board Member


JAMES R. CARRAS, Board Member

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