

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

| | | |
|------------------------------|---|---------------------------|
| In the Matter of |) | CASE NOS.: RA-03-117a |
| |) | RA-08-117b |
| BOARD OF REGENTS, University |) | |
| of Hawaii, |) | DECISION NO. 230 |
| |) | |
| 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. 21522, Fishery Technician IV, 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 position's duties and responsibilities, and the proposed reclassification of the position to University of Hawaii [hereinafter referred to as UH] Research Associate IV, 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. 21522, dated September 22, 1986;

2. Position description for the Fishery Technician IV, 05117, SR-13G (Exhibit A);

3. Qualifications for Research Associate IV (Attachment B);

4. Organization Chart, Hawaii Institute of Marine Biology, UH at Manoa;

5. Class specifications for the UH Research Associate IV, 92016 (Exhibit B); and

6. Letter, dated September 4, 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 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. 21522 is presently classified as a Fishery Technician IV and located in the Hawaii Institute of Marine Biology [hereinafter referred to as HIMB], UH, which provides research facilities for use by faculty with research programs, graduate and undergraduate students with thesis research, and visiting scientists, and serves as a base for field trips for marine science courses at the University. The position is primarily responsible for undertaking, executing and managing a multifaceted research program in endocrinology. More specifically, the position performs the following duties in the approximate percentages of work time:

1. Participation in Experiments (60%):

Conducts experiments to determine various factors affecting changes in hormone levels, which involves the use of statistical methods with calculators and computers for data reduction and analysis, and reports the results to the principal investigator; and

Assists the principal investigator and students in experimental design and proposals aimed at basic and comparative

endocrinological questions and factors in aquaculture dealing with growth rates, environmental conditions and feeding rates.

2. Culture, Care and Collection of Aquatic Animals
(10%):

Controls the biological and physical environments of collected aquatic animals; prepares and dispenses food for the animals in prescribed quantities; recognizes disease and other adverse symptoms and applies corrective measures; manages the tanks in accordance with the project plan; collects aquatic animals and designs the gear for collection and holding of the animals; and advises students and researchers on proper collection methods; and

3. Other Duties (30%):

Determines laboratory needs, prepares requisition and purchase orders for supplies, equipment and travel; sets up laboratory, insures its operation, and establishes laboratory policies concerning general use and safety; supervises students and student help in standard laboratory procedures, techniques and duties; prepares Radiation Safety Office's semi-annual report and keeps accounting of radioactive materials; performs adjustments and minor repairs of laboratory instruments; supervises usage of laboratory space; and serves as HIMB tide observer and Sea Water System committee member. 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. 21522 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.

After a complete review of the duties and responsibilities to be performed by Position No. 21522, the Board concludes that the position undertakes, executes and manages a multifaceted research program in endocrinology. Accordingly, the Board concludes that the duties and responsibilities of Position No. 21522 reflect 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 be appropriately placed in bargaining unit 8.


ORDER

The bargaining unit designation as Position No. 21522 is amended from inclusion in bargaining unit 3 to inclusion in bargaining unit 8.

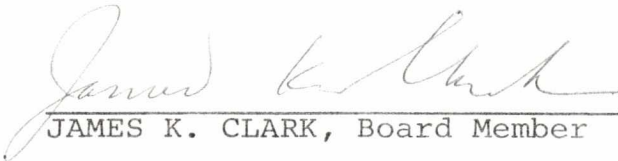
The effective date of the transfer shall not be earlier than the date of this decision.

DATED: Honolulu, Hawaii, December 1, 1986.

HAWAII LABOR RELATIONS BOARD


MACK H. HAMADA, Chairperson

BOARD OF REGENTS, University of Hawaii, Petitioner
CASE NOS.: RA-03-117a, RA-08-117b
DECISION NO. 230
FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER


JAMES K. CLARK, Board Member


JAMES R. CARRAS, Board Member

Copies sent to:

Harold S. Masumoto
Joyce Najita, IRC
Robert Hasegawa, CLEAR
State Archives
University of Hawaii
Publications Distribution Center
Library of Congress