

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NOS.: RA-13-118a
)	RA-08-118b
BOARD OF REGENTS, University)	
of Hawaii,)	DECISION NO. 233
)	
Petitioner.)	FINDINGS OF FACT, CONCLU-
)	SIONS OF LAW AND ORDER

FINDINGS OF FACTS,
CONCLUSIONS OF LAW AND ORDER

On September 22, 1986, the BOARD OF REGENTS of the University of Hawaii [hereinafter referred to as 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 the amendment of the bargaining unit designation of Position No. 18946, Standards and Specifications Specialist IV, from inclusion in bargaining unit 13 (Professional and scientific employees, other than registered professional nurses) 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] Procurement and Property Management Specialist V, 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. 18946, dated September 22, 1986;
2. APT Position Description, UH Procurement and Property Management Specialist V, 91114, P-11 (Exhibit A);
3. Class specifications for the UH Procurement and Property Management Specialist V, 91114 (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 8 and 13.

The HGEA is the certified exclusive representative, as defined in Subsection 89-2(12), HRS, of the employees in bargaining units 8 and 13.

The HGEA concurs with the BOR's proposed amendment of the subject position from inclusion in bargaining unit 8 to bargaining unit 13, and is deemed to have waived the right to a hearing thereon. Petitioner's Exhibit C.

Position No. 18946 is presently classified as a Standards and Specifications Specialist IV, and located in the Procurement Section of the Procurement and Property Management Office, UH. The primary function of the position is to supervise all of the activities in the Procurement Section, which is responsible for all purchases and contracts of goods and services for the entire University system. More specifically, the position performs the following duties in the approximate percentages of work time:

1. Oversees the procurement function of the UH system, which involves:

- a. insuring that the acquisition of goods and services meets the objectives of the institution in accordance with State and Federal law and the institution's policies and procedures;
- b. obtaining goods and services which meet the requirements of the institution as to quality, price and time;
- c. plans and organizes all procurement activities in the Procurement Section;
- d. determines priorities, monitors workflow and insures timely completion of projects;
- e. identifies objectives for the procurement function at the UH;

- f. develops new procedures or revises methods of operation;
- g. supervises all personnel in the Procurement Section;
- h. advises individuals throughout the entire UH system on proper procurement procedures; and
- i. maintains contact with vendor's representatives, governmental agencies and others to keep informed of developments that affect procurement activities (25%);

2. Assumes responsibility for all UH purchases of over \$4,000 requiring advertisement for formal bids, which involves:

- a. insuring performance of all necessary actions for effective contracting;
- b. insuring compliance with the terms of awarded contracts; and
- c. safeguarding the interests of the UH and its contracting officers in its contractual relationships (25%);

3. Reviews justifications submitted for all sole source purchases and decides whether to approve or deny the request (12%);

4. Assumes responsibility for directing the informal purchasing function (purchases up to \$4,000) of the entire UH system (12%);

5. Reviews all personal and non-personal services contracts, and decides if appropriate justification has been submitted, appropriate contract form has been used, required approval has been obtained and contract is in compliance with State and Federal laws and UH policies and procedures (12%);

6. Conducts interviews with vendors' representatives to discuss procedures on doing business with the UH or to resolve problems which could not be resolved at the departmental level (10%);

7. Evaluates the needs of the UH system and determines which goods and services could be standardized for consolidation into requirement-type contracts (3%); and

8. Other duties (1%). 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. 18946 from inclusion in bargaining unit 13 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, 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;

* * *

(13) Professional and scientific employees, other than registered professional nurses; . . .

In its attempt to more specifically determine the composition of bargaining unit 8, the Board noted in Decision 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 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. 18946, the Board concludes

that the position plans and supervises the work of a staff of professional, technical and clerical personnel in the performance of procurement and property management activities for the entire UH system. Accordingly, the Board concludes that the duties and responsibilities of Position No. 18946 reflect professional and technical responsibilities 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. 18946 is amended from inclusion in bargaining unit 13 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 2, 1986.

HAWAII LABOR RELATIONS BOARD


MACK H. HAMADA, Chairperson


JAMES K. CLARK, Board Member


JAMES R. CARRAS, Board Member

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