

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NOS.: RA-04-119a
)	RA-08-119b
BOARD OF REGENTS, University)	
of Hawaii,)	DECISION NO. 234
)	
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. 5916, Buyer IV, from inclusion in bargaining unit 4 (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] 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. 5916, dated September 22, 1986;

2. APT position description for the 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 4 and 8.

The HGEA is the certified exclusive representative, as defined in Subsection 89-2(12), HRS, of the employees in bargaining units 4 and 8.

The HGEA concurs with the BOR's proposed amendment of the subject position from inclusion in bargaining unit 4 to

bargaining unit 8, and is deemed to have waived the right to a hearing thereon. Petitioner's Exhibit C.

Position No. 5916 is presently classified as a Buyer IV and located in the Property Management Section, Procurement and Property Management Office, UH, which is responsible for the systemwide maintenance and accountability of:

1. \$109,645,000 of equipment;
2. Buildings valued in excess of \$290,000,000; and
3. Fee simple land with a market value estimated at \$200,000,000.

More specifically, the position performs the following duties and responsibilities in the approximate percentages of work time:

1. Plans, organizes, administers and evaluates the Property Management Section activities of the Procurement and Property Management Office, which involves determining priorities, monitoring workflow and insuring that deadlines are met and projects completed;

2. Advises systemwide University administrators, deans, directors and program heads on land uses, land value zoning, acquisitions, dispositions and exchanges of real property on a systemwide basis;

3. Analyzes, evaluates and/or prepares appraisal reports to establish the fair market value of real property as the basis for acquisition, disposition, exchange or negotiation purposes using accepted appraisal methodology (45%);

4. Performs special studies that require a degree of independent judgment, decision making and independent initiative on issues and forms that are undefined or require solutions to problems which require extensive probing, analysis involving extensive research and contacts with various State and Federal agencies (20%);

5. Assumes responsibility for the systemwide property administration function of the UH, which includes identifying, accounting, reporting, inventorying, transferring, disposing and maintaining records of property, and advising property custodians;

6. Administers the sale of UH surplus property through advertising for sale or within legal parameters, and administers and maintains equipment replacement guidelines in accordance with State or Federal disposal policy and sound usage practices (25%); and

7. Serves as UH systemwide insurance buyer and coordinates the overall program, which involves reviewing and evaluating departmental requests; and advising on sources, suitability, types of insurance and costs; and maintaining inventory of insurance coverage for the UH (10%). 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. 5916 from inclusion in bargaining unit 4 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:

* * *

(4) Supervisory 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. 5916, 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. Accordingly, the Board concludes that the duties and responsibilities of Position No. 5916 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 appropriately be placed in bargaining unit 8.

ORDER

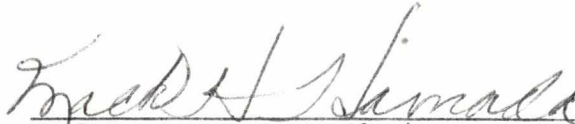
The bargaining unit designation of Position No. 5916, UH Procurement and Property Management Specialist V, is amended from inclusion in bargaining unit 4 to inclusion in bargaining unit 8.

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

BOARD OF REGENTS, University of Hawaii, Petitioner
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DATED: Honolulu, Hawaii, December 11, 1986.

HAWAII LABOR RELATIONS BOARD


MACK H. HAMADA, Chairperson


JAMES K. CLARK, Board Member


JAMES R. CARRAS, Board Member

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