

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NOS.:	RA-03-126a
)		RA-08-126b
BOARD OF REGENTS, University)		
of Hawaii,)	DECISION NO.	237
)		
Petitioner.)	FINDINGS OF FACT, CONCLU-	
)	SIONS OF LAW AND ORDER	
)		

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

On December 2, 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. 16952, Account Clerk 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] Administrative 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. 16952, dated December 2, 1986;

2. Position description for the Account Clerk IV, SR-12 (Exhibit A);

3. Class specifications for the UH Administrative Officer III, PO7 (Exhibit B); and

4. Letter, dated October 22, 1986, from Sharen M. Tokura, Acting Director of Personnel, UH, to Russell Okata, Executive Director, Hawaii Government Employees Association [hereinafter referred to 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. 16952 is presently classified as an Account Clerk IV and located in the Dean's Office, College of Business Administration, UH, which is responsible for the instructional, research, and public-service objectives of the College through fiscal and administrative services.

Position No. 16952 serves as fiscal officer for the College of Business Administration and more specifically, performs the following duties and responsibilities in the approximate percentages of work time:

1. Accounting (35%):

Maintains, balances and closes all accounts, and reviews accounting records furnished by the central administration for discrepancies;

Maintains records and prepares reports on petty cash and impressed checking accounts in accordance with current instructions, providing adequate security of these funds and insuring proper usage;

Projects status of accounts and of the College's financial position for financial planning and budgetary control purposes;

Conducts fiscal analyses and proposes solutions to fiscal problems; establishes and implements internal procedures for the preparation and processing of fiscal and personnel documents to assure compliance with applicable rules, regulations and policies; and

Establishes new accounts as required, and oversees the expenditure of funds for personnel services, student help, current expenses and equipment.

2. Budgeting (10%):

Participates in the formulation of the College's biennium and supplemental budgets, and in the allocation of annual allotments to college units;

Prepares Quarterly Expenditure and Variance Reports, and the College's budget and legislative requests for the Budget Office; and

Assists department chairperson on expenditure controls and allotments, and projects personnel services requirements for the year.

3. Personnel Administration (35%):

Reviews and certifies various personnel forms to insure complete and accurate data input as required by rules and regulations of the University and State;

Conducts reviews of leave status, position control and terminations, and assists department chairpersons in recruiting efforts;

Reviews and certifies scan sheets for overload payments and student employees to initiate payment, and certifies availability of funds; and

Provides assistance and conducts internal training for the secretarial staff and College personnel to keep them abreast on policies and procedures regarding personnel administration.

4. Procurement (15%):

Procures goods and services within the limits of the purchasing authority delegated by issuing purchase orders or authorizations for payment, or by use of petty cash or impressed checking account;

Obtains goods and services beyond the purchasing authority through UH Procurement and Property Management Office through the preparation of technical specifications for competitive or non-competitive purchases;

Makes selection or recommendation of vendors on the basis of competitive quotations; and

Prepares and implements College purchasing procedures based on current policies and procedures within the University and State.

5. Property Management (5%):

Maintains and revises current property-management records; assists College personnel in complying with rules and regulations pertaining to property administration and insures proper assignment, transfer, and disposal of equipment. 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. 16952 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 notes 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. 16952, UH Administrative Officer III, the Board concludes that as fiscal officer for the College of Business Administration, the position assists in allocating and managing the resources assigned to the College; participates in the formulation of the College budget; conducts financial analyses; reviews, certifies and documents fiscal and personnel transactions to insure compliance with applicable rules and regulations; and insures that combined expenditures and encumbrances do not exceed the funds available. Accordingly, the Board concludes that the duties and responsibilities of Position No. 16952 reflect Administrative, 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

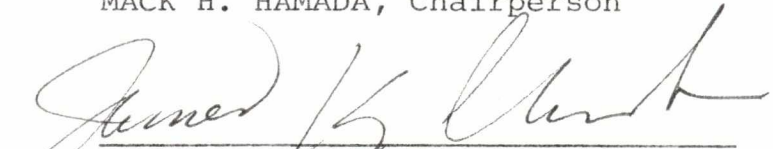
The bargaining unit designation of Position No. 16952, UH Administrative Officer III, is amended from inclusion in bargaining unit 3 to inclusion in bargaining unit 8.

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

DATED: Honolulu, Hawaii, January 2, 1987.

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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