

Decision

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. RA-08-123
)	
BOARD OF REGENTS, University)	DECISION NO. 248
of Hawaii,)	
)	FINDINGS OF FACT, CONCLU-
Petitioner.)	SIONS OF LAW AND ORDER
_____)	

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

On October 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 that Position No. 80205, UH Administrative Officer VI be excluded from bargaining unit 8 [Personnel of the University of Hawaii and the community college system other than faculty]. This exclusion is premised upon the redescription of the position's duties and responsibilities, and the proposed reclassification of the position to Director of Treasury whose duties and responsibilities are encompassed within the University's Executive/Managerial Classification Plan.

The BOR submitted the following documents with the petition:

1. Affidavit of Harold S. Masumoto, then Vice President for Administration, University of Hawaii [hereinafter

referred to as UH], regarding Position No. 80205, dated October 22, 1986;

2. Position description for the Director of Treasury and Logistical Operations (Exhibit A);

3. Class specifications for the Director of Treasury (Exhibit B);

4. Organization charts for the Office of the Director of Treasury and Logistical Operations (Exhibit C);

5. Letter, dated September 16, 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 D); and

6. Letter, dated May 13, 1987, from James H. Takushi, Director of Personnel, UH, to Russell Okata, Executive Director, HGEA, indicating the HGEA's concurrence with the proposed bargaining unit designation amendment.* (Supplemental Exhibit)

Based on the affidavit of Harold S. Masumoto and the documents submitted in support of the petition, the Board makes the following findings of fact, conclusions of law and order.

*The Petitioner indicates that the HGEA's concurrence was not obtained with the first letter, dated September 16, 1986. Concurrence was thereafter received by the Board through the May 13, 1987 letter, a copy of which was attached to the Supplemental Exhibit to Petition filed with the Board on May 19, 1987.

FINDINGS OF FACT

The BOR is a public employer, as defined in Section 89-2, Hawaii Revised Statutes [hereinafter referred to as HRS], of the employee of the UH, which includes employees in bargaining unit 8.

The HGEA is a certified exclusive representative, as defined in Section 89-2, HRS, of the employees in bargaining unit 8.

The HGEA concurs with the BOR's proposed exclusion of the subject position from bargaining unit 8 and is deemed to have waived the right to a hearing thereon. Supplemental Exhibit.

Position No. 80205 was previously entitled UH Administrative Officer VI. The position has been redescribed and is proposed for reclassification as Director of Treasury. This position reports directly to the Vice President for Finance and Operations and involves the planning, policy development, administration and control of the University's systemwide Treasury system including cash management, Cashier's Office and Logistical Services. The position is responsible for, and performs the following duties in the approximate percentages of work time:

1. Treasury and Cash Management (30%):

Directs the planning, management and administration and control of the UH's systemwide Treasury systems relating to short-term cash management operations.

2. Cashier's Office (30%):

Directs the receipt and deposit of all UH departmental collections, including tuitions and fees;

Controls departmental receipt data to be inputted into the central accounting system;

Controls and coordinates with other departments, the fiscal aspects of the Integrated Student Information System during the registration period;

Directs the disbursement of all financial aid; and

Coordinates daily campus security and armored car pickups and deliveries.

3. Logistical Operations (30%):

Directs personnel administration functions for staff under the supervision of the Vice President for Finance and Operations.

4. Staff Services and Special Projects (10%):

Directs the conduct of special studies and analyses relating to UH investment or cash management and personnel support services for the Office of the Vice President for Finance Operations. Exhibits A and B.

Based on these duties and responsibilities, Position No. 80205 is proposed for exclusion from bargaining unit 8.

CONCLUSIONS OF LAW

The Petitioner has requested the exclusion of Position No. 80205 from bargaining unit 8 as the position is a top-level managerial or administrative position.

Subsection 89-6(c), HRS, specifies which employees are to be excluded from any appropriate bargaining unit and coverage under Chapter 89 and provides, in part:

No . . . top-level managerial and administrative position . . . shall be included in any appropriate bargaining unit or entitled to coverage under this chapter.

In interpreting the exclusionary language of Subsection 89-6(c), HRS, the Board in various decisions, established criteria which must be met in order to justify an exclusion. In determining whether an individual occupies a top-level managerial or administrative position, the Board in Decision No. 75, Hawaii Nurses Association, 1 HPERB 660 (1977), stated, in pertinent part:

This Board believes that the appropriate test of whether an individual occupies a top-level managerial and administrative position includes measuring the duties of the position against the following criteria:

1. The level at and extent to which the individual exercises the authority and judgment to direct employees, determine methods, means and personnel by which the employer's operations are to be carried out; or

2. The extent to which the individual determines, formulates and effectuates his employer's policies.

Id. at 666 [footnotes omitted].

In Decision No. 95, Hawaii Government Employees' Association, 2 HPERB 105 (1978), the Board supplemented this criteria by stating:

In order to be determined to be a top-level management or administrative position, a position must:

1. Be at or near the top of an ongoing complex agency or major program and formulate or determine policy for that agency or program; or

2. Direct the work of a major program or an agency or a major subdivision thereof

with considerable discretion to determine the means, methods, and personnel by which the agency or program policy is to be carried out; or

3. Operate in a management capacity in a geographically separated location, such as a neighbor island, and be responsible for representing management in dealing with a significant number of employees.

Id. at 143.

After a complete review of the duties and responsibilities of the Director of Treasury, the Board concludes that in directing and coordinating the Office of Treasury and Logistical Operations which involves planning, policy development, administrative and control of the UH's systemwide Treasury system, the position is at the top of an ongoing major program and formulates policy for that program. In directing the work of the program, the position exercises considerable discretion and independent judgment to determine the means, methods, and personnel to carry out the program policy. Accordingly, the Board concludes that the position is a top-level managerial and administrative position. Thus, the position should be, under the provisions of Section 89-6, HRS, and previous Board decisions, excluded from bargaining unit 8 and coverage under Chapter 89, HRS.

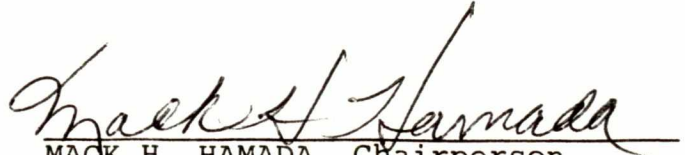
ORDER

Position No. 80205, Director of Treasury, is excluded from bargaining unit 8.

DATED: Honolulu, Hawaii, July 9, 1987.

HAWAII LABOR RELATIONS BOARD

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MACK H. HAMADA, Chairperson


JAMES K. CLARK, Board Member


JAMES R. CARRAS, Board Member

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