

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NOS.: RA-07-137(a)
	)	RA-08-137(b)
BOARD OF REGENTS, University	)	
of Hawaii,	)	DECISION NO. 252
	)	
Petitioner.	)	FINDINGS OF FACT, CONCLU-
	)	SIONS OF LAW AND ORDER
	)	

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FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER

On July 7, 1987, 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 transfer of Position No. 80569, UH Educational Specialist IV, from inclusion in bargaining unit 8 (Personnel of the University of Hawaii and the community college system, other than faculty) to bargaining unit 7 (Faculty of the University of Hawaii and community college system). The transfer is based upon the BOR's determination that the position is properly classified as an Associate Specialist within the Faculty Classification and Compensation Plan. The Petitioner submitted the following documents with the petition:

1. Affidavit of James H. Takushi, Director of Personnel, University of Hawaii [hereinafter referred to as UH], regarding Position No. 80569, dated July 7, 1987;
2. Position Description for the Coordinator of the Sea Grant Marine Advisory Program (Exhibit A);

3. Class Specifications for the Associate Specialist class (Exhibit B); and

4. Letter, dated June 8, 1987, from James H. Takushi, 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 amendment (Exhibit C).

Based on the affidavit of James H. Takushi 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 Section 89-2, Hawaii Revised Statutes [hereinafter referred to as HRS], of the employees of the UH, which includes employees in bargaining units 8 and 7.

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

The HGEA is in concurrence with the BOR's proposed transfer of the subject position from inclusion in bargaining unit 8 to bargaining unit 7, and is deemed to have waived the right to a hearing thereon. Petitioner's Exhibit C.

Position No. 80569, presently classified as UH Educational Specialist IV, Marine Advisory Program, located in the Office of Research Administration, Sea Grant College Program. As coordinator, the position develops and administers the program. The position is responsible for determining information and

research needs to develop, use and preserve marine resources in Hawaii, and in other United States flag and insular areas of the tropical Pacific. More specifically, this position performs the following duties in the approximate percentages of work time:

1. Planning and designing the various projects and programs conducted by the Marine Advisory Program; developing and updating a five-year plan including short-term objectives and long-term goals; planning and supervising the development of a biennial proposal which includes annual objectives, working plans, and detailed operating budgets; and working with agents and specialists on the staff, and other ocean oriented programs throughout the State, to plan and implement short and long-term cooperative projects (10%).
2. Administering and directing the Sea Grant Marine Advisory Program; supervising the activities of program staff which includes 24 full and part-time agents, specialists and support personnel, servicing each of the counties of the State, the territory of Guam, and selected areas in the American Pacific, e.g., American Samoa, Pohnpei, Kosrae, Palau and Yap; recruiting and training marine agents and specialists in extension techniques and communication processes; evaluating the effectiveness of agents, specialists, and other support



staff and administering and authorizing the dispensation of both federal and state funds (20%).

3. Planning and implementing an outreach program for interaction between the university and the ocean user community (20%).
4. Initiating and facilitating the development of interdisciplinary marine-related research projects that meet community, State, and regional needs for marine resource utilization (20%).
5. Designing and integrating research, education, and extension projects with the Sea Grant Program (5%).
6. Planning and implementing staff participation with a variety of joint programs with various university, State government and national organizations (15%).
7. Conducting research and instruction in the area of professional expertise (10%).

The pertinent minimum qualifications for the UH Educational Specialist IV position, from the position's Class Specifications, are as follows:

1. Training represented by a doctorate degree from a college or university of recognized standing with major work in a closely related field to the position;
2. Four years of experience, or its equivalent in the appropriate specialty at the next lower rank;
3. Able to carry out analytical studies; and

4. Able to independently implement projects designated as priorities by the University and the community.

(Exhibits A and B).

Based on these duties and responsibilities, and minimum qualification requirements, the position has been proposed for reclassification to Associate Specialist (S-4) which is within the Faculty Classification and Compensation Plan.

#### CONCLUSIONS OF LAW

The BOR has requested the amendment of the bargaining unit designation of Position No. 80569 from inclusion in bargaining unit 8, to inclusion in bargaining unit 7, as the position's duties and responsibilities are commensurate with that of the Associate Specialist classification.

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:

\* \* \*

- (7) Faculty of the University of Hawaii and community college system; . . .
- (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 included in bargaining unit 8:

All administrative, technical and professional employees who are employed half time or more, except those determined to be excluded.

Id. at 290.

The Board, in Decision No. 21, Hawaii Federation of College Teachers, 1 HPERB 202 (1972), determined that the composition of bargaining unit 7 included:

All Instructional, Research and Specialist personnel, County Extension Agents and Home Economists, Assistants to the Deans of Social Work, Director and others whose position titles are included on Exhibit A attached herewith and those employed half-time or more, except those determined not to be eligible.

Id. at 203.

After a complete review of the duties and responsibilities to be performed by Position No. 80569, the Board concludes that the position is consistent with the Associate Specialist class within the Faculty Classification and Compensation Plan.



The position directs the Sea Grant Marine Advisory Program by determining and fulfilling the research needs for marine resource utilization in Hawaii and the Pacific. The position initiates and designs the research projects and also, conducts instruction within the field of expertise. Thus, as the BOR has proposed the reclassification of the position, the Board concurs that the position would be more appropriately placed in bargaining unit 7.

ORDER

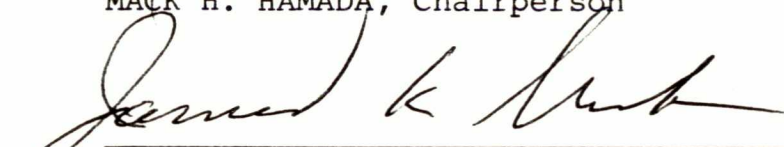
The bargaining unit designation of Position No. 80569 is amended from inclusion in bargaining unit 8 to inclusion in bargaining unit 7.

DATED: Honolulu, Hawaii, August 31, 1987.

HAWAII LABOR RELATIONS BOARD



MACK H. HAMADA, Chairperson

  
JAMES K. CLARK, Board Member  
JAMES R. CARRAS, Board Member

Copies sent to:

James Takushi  
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