

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NOS.: RA-04-127a
	)	RA-08-127b
BOARD OF REGENTS, University	)	
of Hawaii,	)	DECISION NO. 256
	)	
Petitioner.	)	FINDINGS OF FACT, CONCLU-
	)	SIONS OF LAW AND ORDER

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FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER

On December 30, 1986, the BOARD OF REGENTS of the University of Hawaii [hereinafter referred to as BOR or Petitioner] filed a Petition for Amendment or Clarification 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. 447, UH General Maintenance and Services Supervisor II, from inclusion in bargaining unit 4 (Supervisory employees in white collar positions) to inclusion in bargaining unit 8 (Personnel of the University of Hawaii and community college system, other than faculty).

The Petitioner submitted the following documents with the petition:

1. Affidavit of Harold S. Masumoto, Vice President for Administration, University of Hawaii, regarding Position No. 447, dated December 30, 1986;

2. Position description for the UH Auxiliary and Facilities Services Officer IV (Exhibit A);

3. Class specifications for the UH Auxiliary and Facilities Services Officer IV position (Exhibit B); and

4. Letter, dated October 9, 1986, from Sharen M. Tokura, Acting Director of Personnel, 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 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 Petitioner is the public employer, as defined in Section 89-2, Hawaii Revised Statutes [hereinafter referred to as HRS], of the employees of the University of Hawaii [hereinafter referred to as UH], which includes employees in bargaining units 4 and 8.

The HGEA is the certified exclusive representative of employees in bargaining units 4 and 8.

The HGEA is in concurrence with the BOR's proposed amendment of the subject position from inclusion in bargaining unit 4 to inclusion in bargaining unit 8, and is deemed to have waived the right to a hearing thereon. Petitioner's Exhibit C.

Position No. 447, presently classified as UH General Maintenance and Services Supervisor II, is located in the Division of Campus Operations, Buildings and Grounds Management

Branch, UH, and is responsible for the supervision of the custodial, and general maintenance and trucking sections. More specifically, this position performs the following duties in the approximate percentages of work time:

Planning (15%)

1. Develops, implements, and enforces as a full assistant to the Director, custodial and landscaping policies and procedures which are consistent with departmental goals.

2. Participates as a full assistant to the Director in short- and long-range planning for departmental activities; advises the Director on custodial, general maintenance, trucking operations, and landscaping matters.

3. Meets with the Director to coordinate work with class schedules, research programs, special events and departmental activities.

4. Researches, reviews and/or develops as a full assistant to the Director, plans and specifications for custodial and landscaping products and equipment. Tests and evaluates costs of products versus performance, when necessary.

5. Plans, coordinates, and assigns the General Maintenance and Trucking Section activities. Supervises and prepares work schedules for all heavy equipment, refuse trucks and miscellaneous trucking activities on and off campus.

6. Plans and schedules major overhaul and minor repair on assigned vehicles and equipment.

Administration (25%)



1. Evaluates as a full assistant to the Director, the work performances of all custodial, landscaping, general maintenance and trucking personnel; prepares work performance reports for custodial, general maintenance and trucking sections personnel; reviews work performance reports prepared by janitor supervisors and general labor foremen on custodial and general maintenance personnel.

2. Supervises maintenance of overtime, compensatory time, sick leave, vacation and other leaves of absences.

3. Reviews vacation schedules of personnel and recommends action on leave requests of personnel.

4. Assists in the preparation of custodial, general maintenance and trucking section budgets.

Supervision (60%)

1. Plans, organizes and directs work of custodial supervisors in the opening and closing of buildings, cleaning and maintenance of restrooms, classrooms, offices and other general use areas, and the performance of other custodial duties.

2. Directs the General Labor Foreman and assigned personnel in the performance of all general maintenance of campus roads, parking lots, driveways, sidewalks, tree and shrubbery removal, tree planting, demolition work, utility system, disposal of waste, debris, chemicals, dissected animals and the transporting (movement) of furniture, equipment and supplies to and from different locations.

3. Conducts inspections of buildings for cleanliness, ensures that all buildings are free from fire and safety hazards;

and coordinates review of building deficiencies, and submittal of work requests for corrective action.

4. Coordinates and/or participates in the training of personnel in the proper use of equipment, the maintenance of equipment, and the use of chemicals in the performance of their duties and responsibilities; instructs the general maintenance and trucking personnel in the proper operation and handling of heavy equipment, vehicles and hand tools.

5. Controls the distribution of custodial equipment and supplies; instructs the supervisors on the use and maintenance of inventory control records.

6. Supervises the strict enforcement of all safety rules and regulations of personnel, equipment, and vehicles.

7. Performs other duties as required.

The pertinent minimum qualification requirements for the UH Auxiliary and Facilities Services Officer IV position, from the position's class specifications, are as follows:

1. Graduation from an accredited four-year college or university with major course work in business administration or related fields; and four years of progressively responsible professional experience in auxiliary and/or facilities services administration or any equivalent combination of training and experience;

2. Knowledge of auxiliary support services and facilities maintenance operations and procedures;

3. Knowledge of the principles and techniques of operations planning and budget procedures;

4. Knowledge of contract administration procedures and practices relating to maintenance and repair work;

5. Ability to plan, organize and supervise the activities of groups of employees who may be engaged in a variety of activities and who may be in a variety of occupational fields;

6. Ability to interpret and apply administrative rules and regulations to a variety of work situations; and

7. Ability to establish and maintain effective working relationships with a variety of employees, staff, faculty, and professionals.

Based on these duties and responsibilities, and minimum qualification requirements, 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 447 from inclusion in bargaining unit 4 to inclusion in bargaining unit 8, as the position's duties and responsibilities are consistent with that of the UH Auxiliary and Facilities Services Officer IV position.

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:

\* \* \*



- (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. 447, the Board concludes that the position is responsible for performing complex administrative activities. Accordingly, the Board concludes that the duties and responsibilities of the position reflect professional

responsibilities which are unique to the UH system. Thus, as the BOR has proposed the reclassification of the position to a class within the APT system, the Board is in concurrence that the position would be more appropriately placed in bargaining unit 8.

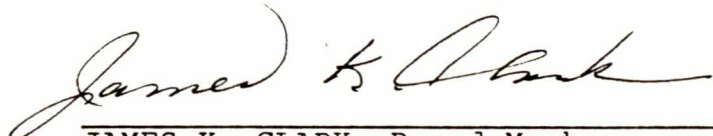
ORDER

The bargaining unit designation of Position No. 447 is amended from inclusion in bargaining unit 4 to inclusion in bargaining unit 8.

DATED: Honolulu, Hawaii, November 20, 1987.

HAWAII LABOR RELATIONS BOARD

  
MACK H. HAMADA, Chairperson

  
JAMES K. CLARK, Board Member

  
JAMES R. CARRAS, Board Member

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