

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. RA-07-159
)	
BOARD OF REGENTS, University of)	DECISION NO. 287
Hawaii,)	
)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW
Petitioner.)	AND ORDER
)	

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

On August 18, 1988, the BOARD OF REGENTS [hereinafter referred to as BOR or Employer], 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 Employer requested the inclusion of Position No. 84208, Assistant Library Specialist, reclassified to Librarian IV, in bargaining unit 7 [Faculty of the University of Hawaii and community college system]. The Petition is premised upon a redescription of the position's duties and responsibilities and that it no longer deals with confidential matters which impact on employee-employer relations. The subject position was excluded pursuant to Decision No. 178, Board of Regents, 3 HPERB 208 (1983).

Employer submitted the following documents with the petition:

- 1) Affidavit of James H. Takushi, Director of Personnel, University of Hawaii, regarding Position No. 84208, dated August 18, 1988;

- 2) Position Description for Position No. 84208 (Exhibit A);
- 3) Class Specifications for the Librarian Series (submitted subsequent to the Petition); and
- 4) Letter dated July 29, 1988, from James H. Takushi to J. N. Musto, Executive Director of the University of Hawaii Professional Assembly [hereinafter referred to as UHPA], regarding the inclusion of subject position in bargaining unit 7 (Exhibit B).

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 employees of the University of Hawaii which includes employees in bargaining unit 7.

The UHPA is the certified exclusive representative of employees in bargaining unit 7.

The UHPA concurs with the BOR's proposed inclusion of Position No. 84208 in bargaining unit 7, and is deemed to have waived the right to a hearing thereon (Petitioner's Exhibit B).

Position No. 84208 previously was responsible for assisting the University Librarian, an excluded position at the University of Hawaii at Manoa, in administrative work which involved the management of personnel activities for the Library Services Program. The Board, in Decision No. 178, supra, concluded that the subject position clearly worked in the

regular course of employment with personnel matters pertaining to contract administration, reorganization, and sensitive personnel information. These duties encompassed matters which were not intended for the rank-and-file and impacted on employee-employer relations. As such, the subject position was excluded from Bargaining Unit 7, and coverage under Chapter 89, HRS.

The subject position's duties and responsibilities however, have been redescribed, and the position is now responsible for coordinating the collection development activities for the library. Additionally, the position has been reclassified to the Librarian IV class according to the affidavit of James H. Takushi. The confidential personnel functions of Position No. 84208 have been redistributed to two other positions in the University of Hawaii Library.

The current duties and responsibilities of Position No. 84208 include the following:

- 1) Evaluate existing collections, and make new selections of library materials;
- 2) Review, develop, and implement the Collection Development Policy for the library;
- 3) Act as a liaison and consult with teaching and research faculty regarding selection of library materials (books, journals, and non-print media);
- 4) Develop, coordinate, and allocate the \$2 million budget for funding of books in consultation with librarians and other faculty;
- 5) Provide leadership of the Collection Development Coordinator's Committee;

- 6) Work with the Preservation Committee to identify materials for preservation, storage, or weeding;
- 7) Develop and implement training programs and evaluation procedures for librarians involved in collection development; and
- 8) Participate in writing of grant proposals to build external funding sources.

Based on these new duties and responsibilities, Position No. 84208 has been reclassified to Librarian IV, and is proposed for inclusion in bargaining unit 7.

CONCLUSIONS OF LAW

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 the community college system;. . .

After a complete review of the duties and responsibilities of Position No. 84208, the Board concludes that the position no longer deals with confidential personnel matters which would warrant continued exclusion from bargaining unit 7. Further, the position performs duties and responsibilities which include coordinating among fellow librarians and faculty members, the procurement of new materials for the library. Additionally, the position participates in the writing of grant

proposals to obtain additional monies for the library. As such, the BOR's proposed inclusion of Position No. 84208 in bargaining unit 7 is consistent with Subsection 89-6(a), HRS.

ORDER

Position No. 84208, entitled Librarian IV, is included in bargaining unit 7.

DATED: Honolulu, Hawaii, October 31, 1988.

HAWAII LABOR RELATIONS BOARD


MACK H. HAMADA, Chairperson


JAMES R. CARRAS, Board Member


GERALD K. MACHIDA, Board Member

Copies sent to:

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