

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NOS.: RA-01-157a
)	RA-08-157b
BOARD OF REGENTS, University)	
of Hawaii,)	DECISION NO. 288
)	
Petitioner.)	FINDINGS OF FACT, CONCLU-
)	SIONS OF LAW AND ORDER

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

On June 13, 1988, the BOARD OF REGENTS of the University of Hawaii [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 BOR requested the amendment of the bargaining unit designation of Position No. 12882, Engineering Laboratory Technician, from inclusion in bargaining unit 1 [Nonsupervisory employees in blue collar positions] to bargaining unit 8 [Personnel of the University of Hawaii and the community college system other than faculty]. The Petition is premised upon a review of the position's duties and responsibilities. In its review, the BOR determined that the subject position no longer has duties and responsibilities commensurate to that of a nonsupervisory blue collar employee. Further, the BOR concluded that the subject position's duties and responsibilities are consistent with the UH Scientific Instrument Technician II class, a class within the Administrative, Professional and Technical (APT) Classification and Compensation Plan.

The BOR submitted the following with the Petition:

1. Affidavit of James H. Takushi, Director of Personnel Management, University of Hawaii, regarding Position No. 12882, dated June 13, 1988;
2. Position description for the Engineering Laboratory Technician (Exhibit A);
3. Class specifications for the Scientific Instrument Technician Class, a class within the Administrative, Professional, and Technical (APT) Classification and Compensation Plan (Exhibit B);
4. HPERB Decision No. 208, Board of Regents, 3 HPERB 208 (1985) (Exhibit C); and
5. Letter from James H. Takushi to Robert W. S. Chang, Assistant Oahu Division Director, United Public Workers, requesting concurrence with the proposed bargaining unit designation amendment (Exhibit D).

On June 17, 1988, the Board issued a Notice of Receipt of Petition for Clarification or Amendment of Appropriate Bargaining Unit; Notice of Deadline for Filing Petition for Intervention; Notice of Prehearing Conference; and Notice of Hearing.

The Notice designated July 5, 1988, as the deadline for interested persons to file a Petition for Intervention. A prehearing conference was also scheduled on July 12, 1988, and a hearing scheduled on August 8, 1988.

On July 5, 1988, the United Public Workers [hereinafter referred to as UPW] filed a Petition for Intervention. On July 11, 1988, the Board granted the UPW's Petition.

On July 12, 1988, the prehearing conference was held. At the conference, the Petitioner made a motion to continue the

hearing from August 8, 1988 to August 25, 1988. An Order Granting Motion to Continue Hearing was issued by the Board on July 14, 1988. The Board, on August 5, 1988, then issued a Notice of Rescheduled Hearing, and rescheduled the hearing from August 25, 1988 to September 1, 1988.

On August 29, 1988, Gary W. Rodrigues, State Director, UPW, filed a letter indicating that the UPW, upon further reconsideration, concurred with the bargaining unit amendment proposed by the BOR. Due to this concurrence the necessity for a hearing was rendered moot, and the hearing was cancelled.

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 University of Hawaii, which includes employees in bargaining units 1 and 8.

The UPW is the certified exclusive representative of employees in bargaining unit 1.

In a letter from Gary W. Rodrigues, State Director, UPW, to Mack Hamada, Chairperson, Hawaii Labor Relations Board, dated August 29, 1988, the UPW concurs with the BOR's proposed bargaining unit designation amendment and is deemed to have waived the right to a hearing thereon.

Position No. 12882 is presently classified as an Engineering Laboratory Technician and is located in the Civil Engineering Division, College of Engineering, University of Hawaii at Manoa. The position performs the following duties in the approximate percentages of work time:

CONSTRUCT AND TEST MODELS AND APPARATUS (40%)

Fabricate testing apparatus which requires a wide variety of trade skills, and utilizes a variety of materials and specialized equipment as follows:

- Operate metal lathes, milling machines, drill presses and other related equipment to perform operations such as turning, boring, threading, and milling, according to specified tolerances;
- Renovate rooms, build cabinets, and construct models using table saws, jointers, shapers, planers, and other related power and hand tools;
- Weld and braze metals using arc welding, tungsten inert gas welding, and oxygen-acetylene welding techniques;
- Install motors, lamps, and other electrical devices to fabricate models and test apparatus; and
- Re-route, thread, weld, and solder water supply to hydraulic models.

EQUIPMENT MAINTENANCE AND REPAIR (30%)

Provide maintenance and repair of items which encompass a wide variety of laboratory equipment, and which requires a high level of skill and knowledge of electronics, refrigeration, mechanics, and engineering fundamentals in application to hydraulics, soil mechanics and materials testing as follows:

- Apply electronic theories, which include principles of electrical circuits and testing procedures to trace and test solid state circuitry and components used in test equipment. Utilize schematic diagrams and maintenance manuals to locate and replace defective parts in analog and digital equipment. Test and calibrate equipment

according to specifications for the data acquisition/control unit, strain indicator, digital printer, digital strain indicator, oscillographic recorder, polar planimeter, universal testing machine, microcomputer and peripherals, and transducer amplifier;

- Receive special training in precision optical instrument repair to maintain and calibrate surveying instruments which include theodolites, transits, and levels;
- Apply electrical and mechanical theories to diagnose cause of electrical or mechanical failure of operational equipment. Provide preventative and corrective maintenance on items such as ovens, incubators, mixers, stirrers, heaters, combination units, centrifugal equipment, distilling apparatus, furnaces, pumps (ministaltic, varistaltic, vacuum, circulating, etc.), universal hydraulic testing machine, forklift, vacuum pumps, versa tester, compression tester, consolidation apparatus, triaxial apparatus, hydraulic testing flume, and direct shear apparatus;
- Apply principles of refrigeration mechanics and electronics to diagnose and replace defective parts such as triacs, relays, timers, blowers, and plenum heaters in walk-in refrigerators and a walk-in freezer;
- Repair evaporators, capillary tubes, and recharge refrigerator systems; and
- Replace thermostats, defrosters, timers, filter-driers, and door seals in refrigerators, freezers, and incubators.

DESIGN TEST MODELS AND APPARATUS (15%)

- Design a wide variety of testing apparatus from verbal instructions or simple sketches and distill ideas to working drawings, by utilizing knowledge of metal properties, shop mathematics, machine procedures, and soils testing.

SET UP AND OPERATE EQUIPMENT (10%)

- Set up and operate electronic instruments and related electro-mechanical or electro-hydraulic apparatus involved in testing soils, hydraulics, and structural materials;

- Assemble a wide assortment of test equipment utilizing knowledge of how signals are generated, converted, digitized, and processed, with the overall understanding of the limitations of the components being utilized in tests and measurements; and
- Instruct others in the safe and proper use of equipment.

OTHER DUTIES (5%)

Manage laboratory and equipment as follows:

- Coordinate lab use, and monitor equipment loaned out to ensure its availability as scheduled;
- Arrange for equipment loans from other agencies as required;
- Supervise inventory of over one thousand items of equipment;
- Initiate and plan expenditures of laboratory supplies within budgetary parameters;
- Participate as a member of the Equipment Committee to evaluate present equipment, and determine its expiration, in addition to alternatives for future replacement;
- Maintain a library of catalogs, operating instructions, and repair manuals; and
- Install strain gauges which requires delicate and intricate manual dexterity to test specimens under laboratory conditions.

According to the Class Specifications for the UH Scientific Instrument Technician II Class, the minimum requirements are completion of a vocational training program in one or more mechanical trades, and five years of journeyman experience in one or more mechanical trades or crafts. Additionally, the class requires two years of experience which either involve the development, design, fabrication, modification, or repair of scientific instruments, or any equivalent combination of experience and training.

Based on these duties and responsibilities, the BOR has proposed reclassification of the Engineering Laboratory Technician to Scientific Instrument Technician II, a class within the APT classification plan.

CONCLUSIONS OF LAW

The BOR has requested the amendment of the bargaining unit designation of Position No. 12882 from inclusion in bargaining unit 1 to inclusion in bargaining unit 8, as the position's duties and responsibilities are consistent with that of the Scientific Instrument Technician II Class, a class within the APT classification plan.

Subsection 89-6, 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:
 - (1) Nonsupervisory employees in blue collar positions;
 - * * *
 - (8) Personnel of the University and community college system, other than faculty;. . .

In its attempt to specifically determine the composition of Unit 8, the Board noted in Decision 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 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 of Position No. 12882, the Board concludes that the position is highly skilled and technical in nature, as the position must utilize the eclectic skills of a machinist, welder, carpenter, electrician, and plumber, to fabricate testing apparatus with a high degree of accuracy. Further, the position provides repair and maintenance of a wide variety of laboratory equipment which requires a high level of understanding of engineering concepts in hydraulics, soils testing, materials testing, land surveying, and refrigeration mechanics. Additionally, the position designs testing apparatus, and distills the concepts into working drawings from verbal instructions or simple sketches. Upon completion and approval of the working drawing, the subject position also sets up and calibrates the testing

apparatus to ensure its accuracy. Finally, the position participates as a member of the Equipment Committee to help identify future laboratory equipment needs. Accordingly, the Board concludes that the duties and responsibilities of Position No. 12882, reflect highly skilled technical duties unique to the University system. Thus, the BOR's proposed reclassification of the subject position to a class within the APT system, and inclusion in bargaining unit 8, is consistent with Section 89-6(a), HRS.

ORDER

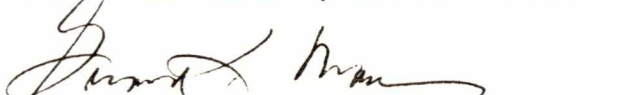
The bargaining unit designation of Position No. 12882, is amended from inclusion in bargaining unit 1 to inclusion in bargaining unit 8.

DATED: Honolulu, Hawaii, October 31, 1988.

HAWAII LABOR RELATIONS BOARD


MACK H. HAMADA, Chairperson


JAMES R. CARRAS, Board Member


GERALD K. MACHIDA, Board Member

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