

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NOS.: RA-07-167a
BOARD OF REGENTS, University of)	RA-08-167b
Hawaii,)	
)	DECISION NO. 298
)	
Petitioner.)	FINDINGS OF FACT, CONCLU-
)	SIONS OF LAW AND ORDER
_____)	

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

On October 19, 1989, the BOARD OF REGENTS (BOR or Employer) filed a Petition for Clarification or Amendment of Appropriate Bargaining Unit with the Hawaii Labor Relations Board (Board). In its petition, the BOR requested the transfer of Position No. 84651, from inclusion in bargaining unit 7 (Faculty of the University of Hawaii and the community college system) to bargaining unit 8 (Personnel of the University of Hawaii and community college system, other than faculty). The Petition is premised upon a review of the position's duties and responsibilities, and the proposed reclassification of the position to University of Hawaii (UH) Student Services Specialist III, a class within the Administrative, Professional, and Technical (APT) Classification and Compensation Plan.

The BOR submitted the following documents with the petition:

1) Affidavit of James H. Takushi, Director of Personnel, UH, regarding Position No. 84651, dated October 16, 1989;

2) Position Description for the Associate Specialist position (Exhibit A);

3) Class Specifications for UH Student Services Specialist III (Exhibit B); and

4) Letter dated September 25, 1989, from James H. Takushi to J. N. Musto, Executive Director of the University of Hawaii Professional Assembly (UHPA), requesting concurrence with the proposed transfer of the subject position to bargaining unit 8 (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 (HRS), of employees of the UH which includes employees in bargaining units 7 and 8.

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. 84651 in bargaining unit 8, and is deemed to have waived the right to a hearing thereon (Petitioner's Exhibit C).

The Employer asserts that the duties and responsibilities of Position No. 84651 are now commensurate with that of the UH Student Services Specialist III classification. These duties do not include the provision of instructional services. The subject position works in the Office of Student Services, in the Admissions Office, under the supervision of the Dean of Student Services at the University of Hawaii at Hilo. Additionally, the position conducts the following duties and responsibilities in the approximate percentages of work time:

1. ADMINISTRATION (60%)

Directs operations of the admissions office and plans and organizes programs; determines resources requisite to successfully implement programs in a timely manner; ensures that State and UH admissions regulations are adhered to; coordinates development of the student information system; recommends and monitors policies governing admissions activities, including outreach, recruitment, admissions counseling, and acceptance of applicants; assists in transcript evaluations of applications for admissions and transferring of credits; prepares budget requests; supervises expenditures and monitors fiscal procedures; and supervises scheduling of campus facilities for classroom utilization.

2. SUPERVISION (20%)

Supervises three professionals, two clerical/secretarial positions, and numerous student workers; plans and reviews work assignments to achieve maximum performance and high morale of employees; provides for training and staff development; and develops and revises procedural manuals governing all phases of admissions operations as required.

3. LIAISON (10%)

Serves as the primary contact with the Department of Education through the Office of the District Superintendent; provides information to the public regarding University programs and admissions procedures; represents the campus in the development and implementation of University policies on articulation; and serves as the primary spokesperson on all admissions-related matters.

4. OTHER RELATED DUTIES (10%)

Identifies, evaluates, and recommends responses, as appropriate, on conditions which affect admission of students; interprets University programs through workshops, community presentations, and publications; counsels students and the general public regarding academic programs and admissions procedures; assists students and

faculty with information about exchange programs, study abroad opportunities, and international student programs; and works with academic administrators in developing policies and monitoring programs of early admissions, advance standing, and credit by examination.

Accordingly, the BOR has proposed the reclassification of the subject position to UH Student Services Specialist III, and its conversion to an APT position in bargaining unit 8.

CONCLUSIONS OF LAW

Section 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:

* * *

- (7) Faculty of the University of Hawaii and the community college system;
- (8) Personnel of the University of Hawaii and the community college system other than faculty;. . .

Further, the Board in HPERB Decision No. 25, Hawaii Federation of College Teachers, 1 HPERB 289 (1973), described Unit 8 as follows:

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 (hereinafter APT).

APT's generally perform professional level duties which may be unique to the University environment.

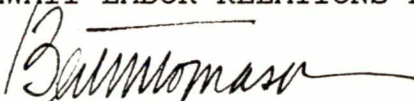
After a complete review of the duties and responsibilities of Position No. 84651, the Board concludes that the subject position is responsible for implementing broad administrative duties for the Admissions office. These duties reflect administrative and professional responsibilities rather than the performance of instructional services or research. As such, the Board concludes that this position has administrative duties which are unique to the University environment and should be included in bargaining unit 8. Further, the inclusion of the subject position in bargaining unit 8 is consistent with Section 89-6, HRS, and previous Board decisions.

ORDER

Position No. 84651, which is being reclassified by the BOR to an APT position entitled UH Student Services Specialist III, is transferred from Unit 7 to Unit 8.

DATED: Honolulu, Hawaii, January 10, 1990.

HAWAII LABOR RELATIONS BOARD



BERT M. TOMASU, Chairperson

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GERALD K. MACHIDA, Board Member



RUSSELL T. HIGA, Board Member

Copies sent to:

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