

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NOS.: RA-07-168a
)	RA-08-168b
BOARD OF REGENTS, University)	
of Hawaii,)	DECISION NO. 299
)	
Petitioner.)	FINDINGS OF FACT, CONCLU-
)	SIONS OF LAW AND ORDER

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

On October 31, 1989, the BOARD OF REGENTS of the University of Hawaii (BOR or Petitioner) filed a Petition for Clarification or Amendment of Appropriate Bargaining Unit with the Hawaii Labor Relations Board (Board). In its petition, the BOR requests the transfer of Position No. 82700, UH Student Services Specialist II, from bargaining unit 7 (Faculty of the University of Hawaii and community college system) to bargaining unit 8 (Personnel of the University of Hawaii and the community college system, other than faculty). The transfer is based upon a determination that the duties and responsibilities of the position are no longer characteristic of the Junior Specialist classification in bargaining unit 7. The BOR alleges that the position as described is more appropriately placed in the Administrative, Professional and Technical (APT) Classification and Compensation Plan.

Petitioner submitted the following documents with its petition:

1. Affidavit of James H. Takushi, Director of Personnel, University of Hawaii regarding Position No. 82700, dated October 31, 1989;

2. Position Description for Junior Specialist (Exhibit A);

3. Class specifications for UH Student Services Specialist II (Exhibit B); and

4. Letter, dated October 5, 1989, from James H. Takushi to J. N. Musto, Executive Director, University of Hawaii Professional Assembly (UHPA), regarding Position No. 82700 (Exhibit C).

Based upon the affidavit of James H. Takushi and the documents submitted in support of the petition, the Board makes the following findings of fact, conclusions of law and order.

FINDINGS OF FACT

Petitioner is the public employer, as defined in Section 89-2, Hawaii Revised Statutes (HRS), of employees of the University of Hawaii, which includes employees in bargaining units 7 and 8.

The UHPA is the exclusive representative, as defined in Section 89-2, HRS, of employees in bargaining unit 7. The UHPA concurs with the proposed transfer of Position No. 82700 to bargaining unit 8 and is deemed to have waived the right to a hearing thereon (Exhibit A).

Position No. 82700 is located in the Career Development and Placement Office, Office of Student Services at the

University of Hawaii at Hilo (UHH). The position is the Coordinator of Student Employment Services and is responsible, in general, for developing, directing, implementing and evaluating all aspects of the Student Employment Services Program at the UHH.

1. Job Placement (30%)

Administers all phases of the Job Placement Program at the UHH; develops, maintains and updates placement credential files for students and alumni; plans and participates in conducting workshops on effective job-seeking skills; develops and maintains a library containing job placement resource materials; establishes, develops and maintains relations within the University of Hawaii system and other post-secondary schools in Hawaii; and establishes and reviews policies relating to the program.

2. Off-Campus Student Employment (25%)

Administers all phases of the Off-Campus Student Employment Program at the UHH; establishes, develops, and maintains contact with employers in Hawaii County and the remainder of the State; maintains a listing of employment opportunities in private industry and/or businesses in Hawaii County; reviews all positions listed by employers to ensure compliance with Equal Employment

Opportunity laws; disseminates information on all off-campus employment opportunities; and maintains a listing of all employment opportunities in the governmental civil service.

3. On-Campus Recruitment and Employment (20%)

Administers all phases of the On-Campus Recruitment and Employment Program at the UHH; establishes, develops, and maintains an employer file; arranges, schedules and publicizes on-campus employment interviews for students and alumni; assists students and alumni in the area of resume writing and interviewing techniques by developing handouts and conducting workshops; and develops a training program in Job-Search Techniques and Skills for the College Work-Study Program.

4. Counseling (10%)

Provides personal, academic and career counseling to students; and provides information to veterans and dependents concerning educational benefits through the Veterans Administration.

5. Off-Campus Work Experience (10%)

Establishes and maintains a cooperative education program for students seeking a four-year degree; and establishes and develops internship opportunities for students.

6. Other Duties (5%)

Required duties as assigned.

The class specifications for UH Student Services Specialist II indicate that this class is responsible for intermediate level professional work and participates in the conduct of a variety of services for students and prospective students, including programs in areas such as academic advising and testing, financial aid, employment, housing and extra-curricular activities. Exhibit B.

Based on these duties and responsibilities, 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 No. 82700 from inclusion in bargaining unit 7 to bargaining unit 8 as the position's duties and responsibilities are consistent with the existing positions within the APT Classification and Compensation Plan.

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;

- (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 APT).

APTs 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 review of the duties and responsibilities to be performed by Position No. 82700, UH Student Services Specialist II, the Board concludes that the position performs professional level work in administering the Job Placement Program, Off-Campus Student Employment Program and On-Campus

Recruitment and Employment Program. The position is also involved in small part, in academic and career counseling. Accordingly, the Board concludes that the duties and responsibilities of Position No. 82700 reflect professional duties within the UH system. Thus, as the BOR has proposed the reclassification of the subject position to a class within the APT system, the position would be appropriately placed in bargaining unit 8.

ORDER

Position No. 82700, UH Student Services Specialist II, is included in bargaining unit 8.

DATED: Honolulu, Hawaii, February 1, 1990.

HAWAII LABOR RELATIONS BOARD


BERT M. TOMASU, Chairperson


GERALD K. MACHIDA, Board Member


RUSSELL T. HIGA, Board Member

Copies sent to:

James H. Takushi
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