

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NOS.: RA-03-195a
	)	RA-08-195b
	)	
BOARD OF REGENTS, University	)	DECISION NO. 342
of Hawaii,	)	
	)	FINDINGS OF FACT, CON-
Petitioner.	)	CLUSIONS OF LAW AND
	)	ORDER

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FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER

On July 9, 1993, the BOARD OF REGENTS, University of Hawaii (BOR or Employer) filed a Petition for Clarification or Amendment of Appropriate Bargaining Unit with the Hawaii Labor Relations Board (Board). In the petition, Employer redescribed the duties and responsibilities of the position and reclassified Position No. 14922, formerly an Account Clerk IV, SR-13, which was included in bargaining unit 3 (Nonsupervisory employees in white collar positions) to UH Photographer I. The Employer proposed to include the position in bargaining unit 8 (Personnel of the University of Hawaii and the community college system, other than faculty) because the UH Photographer I is included in 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, University Personnel Management Office, regarding the Account Clerk IV and UH Photographer I, dated July 8, 1993;

2. Position Classification Form for Account Clerk IV, SR-13, BU-03 (Exhibit A);

3. Position description for UH Photographer I (Exhibit B);

4. Class specifications for UH Photographer I (Exhibit C); and

5. Letter, dated May 13, 1993, from James H. Takushi to Russell Okata, Executive Director of the Hawaii Government Employees' Association (HGEA), requesting concurrence with the proposed change of the Account Clerk IV, SR-13, BU-03 to a UH Photographer I, PO 4, BU-08 (Exhibit D).

Based on 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

The BOR is the public employer, as defined in Section 89-2, HRS, of employees of the University of Hawaii (UH), which include employees in bargaining units 3 and 8.

The HGEA is the certified exclusive representative of the employees in bargaining units 3 and 8.

The HGEA concurs with the BOR's proposed inclusion of Position No. 14922 in bargaining unit 8 and is deemed to have waived the right to a hearing thereon. Exhibit D.

The Employer asserts that the duties and responsibilities of Position No. 14922, previously an Account Clerk IV are now commensurate with that of the UH Photographer I classification.

According to the Position Description, the incumbent works in the Media Relations and Publications Office of the University Relations Division, University of Hawaii and is primarily responsible for all photographic work in support of UH publication requirements. The incumbent performs the following duties in the approximate percentages of worktime:

- (1) Receives photographic service requests, collaborates with clients on specific photography requirements, offers professional advice, schedules sessions, takes photos, processes and prints film, and fulfills reorder requests (70%);
- (2) Supervises execution of contract requirements and coordinates work with commercial vendors to completion of contract (5%); and
- (3) As UH photo archivist, identifies materials and designates appropriate files, develops computerized recordkeeping and cross-referencing programs, develops effective maintenance, storage, and preservation procedures, and assists in the planning and design of laboratory and archive facilities. Also maintains photo library of photo prints, slides and transparencies (25%).

According to the class specifications for the UH Photographer I, positions in this class are skilled in advanced phases of commercial photography and may operate a number of still and/or motion picture cameras and a variety of studio and darkroom equipment. Exhibit C.



## DISCUSSION

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:

\* \* \*

(3) Nonsupervisory employees in white collar positions;

\* \* \*

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

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 (hereinafter APT).

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

Id. at 298.

Upon a review of the duties and responsibilities of Position No. 14922, the position is responsible for all photographic work for UH publications and is the photo archivist. Thus, the Board concludes that the incumbent performs duties which are

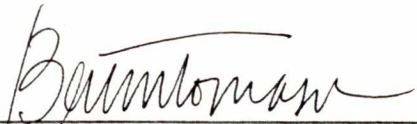
characteristic to the UH Photographer I which is included in Unit 8.

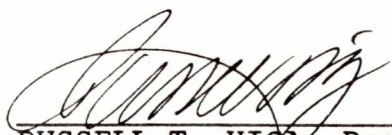
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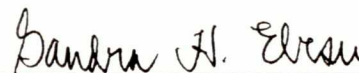
Position No. 14922, formerly an Account Clerk IV which has been reclassified by the BOR to a UH Photographer I is hereby transferred from Unit 3 to Unit 8.

DATED: Honolulu, Hawaii, September 1, 1993.

HAWAII LABOR RELATIONS BOARD

  
BERT M. TOMASU, Chairperson

  
RUSSELL T. HIGA, Board Member

  
SANDRA H. EBESU, Board Member

Copies sent to:

James Takushi  
Joyce Najita, IRC  
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