

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NOS.: RA-03-196a
	)	RA-08-196b
	)	
BOARD OF REGENTS, University	)	DECISION NO. 346
of Hawaii,	)	
	)	FINDINGS OF FACT, CON-
Petitioner.	)	CLUSIONS OF LAW AND
	)	ORDER

---

FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER

On September 22, 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). The Employer redescribed the duties and responsibilities of Position No. 23737, Secretary I, SR-12, which was previously included in bargaining unit 3 (Nonsupervisory employees in white collar positions) and reclassified it to Position No. 81497, University of Hawaii (UH) Public Information Officer I. The Employer proposes 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 Public Information Officer 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 reclassification from Secretary I to UH Public Information Officer I, dated September 22, 1993;

2. Current position description record for Secretary I, SR-12, BU-03 (Exhibit A);

3. Revised position description for UH Public Information Officer I (Exhibit B);

4. Class specifications for UH Public Information Officer I (Exhibit C); and

5. Letter, dated July 23, 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 Secretary I, SR-12, BU-03 to a UH Public Information Officer I, PO 5, BU-08 (Exhibit D).

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

The BOR is the public employer, as defined in Section 89-2, Hawaii Revised Statutes (HRS), of employees of the 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 change of Position No. 23737 in bargaining unit 3 to Position No. 81497 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. 23737, previously a Secretary I, are now commensurate with that of the UH Public Information Officer I classification.

According to the position description, the incumbent works in the office of Administrative Services at the UH Athletic Department under the direction of the Assistant Athletic Director for Administrative Services, and acts as his/her assistant in performing a variety of routine and clearly defined administrative staff responsibilities. The incumbent performs the following duties in the approximate percentages of worktime:

1. Responsible for the management of all activities concerning scholarship fundraising activities for scholar-athletes (25%);
2. Assists in the formulation of planning and preparation for operating policies and procedures for the new Special Events Center regarding the business, ticket, sports information and sports marketing departments (15%);
3. Assists the Assistant Athletic Director in working with the Rainbow Fever and Koa Anuenue organizations with promotions and presentations (5%);
4. Updates and maintains the Athletic Department operating manual. Contacts various departments for revisions and/or additions. Reviews the department manual to include any addendum or deletions governed by the NCAA by-laws and policies, State of Hawaii



and University of Hawaii policies and procedures (5%);

5. Prepares surveys, compiles data and prepares summary reports regarding the ticketing, sports marketing, and sports information policies and procedures (10%);
6. Monitors record keeping of all UH Foundation activities of all coaching staff and support programs, assuring compliance with NCAA regulations (10%);
7. Assists in long range planning of fundraising activities (10%);
8. Monitors the Courtesy Car Program that is available for all full-time head and assistant coaches. Liaison between dealers and the coaches assisting in car assignments, returns, correspondences and ticket distribution (5%); and
9. Performs other duties as required by the Assistant Athletic Director and works in conjunction with other administrative support staff in the administrative services unit to provide overall coverage for that unit (15%).

According to the class specifications for the UH Public Information Officer I, positions in this class are skilled in professional journalistic and public relations work in developing and presenting informational materials for various media (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 (1972), 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 (hereafter 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. 81497, the position is responsible for matters regarding business and ticketing affairs, promotional and marketing activities and publicity and sports information. Thus, the Board

concludes that the incumbent performs duties which are characteristic of the UH Public Information Officer I which is included in Unit 8.

CONCLUSIONS OF LAW

The Board has jurisdiction over this matter pursuant to Section 89-6, HRS. The incumbent of Position No. 81497, Public Information Officer I, performs duties at a professional level which are characteristic of the APT class and should be included in Unit 8.

ORDER

Position No. 81497, UH Public Information Officer I, is hereby included in Unit 8.

DATED: Honolulu, Hawaii, October 14, 1993.

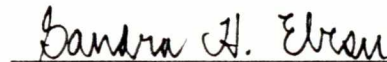
HAWAII LABOR RELATIONS BOARD



BERT M. TOMASU, Chairperson



RUSSELL T. HIGA, Board Member



SANDRA H. EBESU, Board Member

BOARD OF REGENTS, University of Hawaii; CASE NOS.: RA-03-196a and  
RA-08-196b  
DECISION NO. 346  
FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Copies sent to:

James Takushi  
Joyce Najita, IRC  
William Puette, CLEAR  
State Archives  
Publications Distribution Center  
Richardson School of Law Library  
University of Hawaii Library  
Library of Congress