

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NOS.: RA-03-203a
	)	RA-08-203b
BOARD OF REGENTS, University	)	
OF Hawaii,	)	DECISION NO. 364
	)	
Petitioner.	)	FINDINGS OF FACT, CON-
	)	CLUSIONS OF LAW AND
	)	ORDER

---

FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER

On January 5, 1995, 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 petition indicates that the Employer redescribed the duties and responsibilities of Position No. 28435, Community Education Assistant, SR-09, which was included in bargaining unit 3 (Nonsupervisory employees in white collar positions) and reclassified the position to Position No. 80309, UH Educational and Academic Support Specialist. 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 it 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 Peggy S. Hong, System Director of Human Resources, University Personnel Management Office, regarding the

Community Education Assistant and UH Educational and Academic Support Specialist, dated January 5, 1995;

2. Position Classification Form and Job Description for Community Education Assistant, SR-09, BU-03 (Exhibit A);

3. Position description for UH Educational and Academic Support Specialist (Exhibit B);

4. Class specifications for UH Educational and Academic Support Specialist (Exhibit C);

5. Organization Chart for the University of Hawaii, Leeward Community College, Office of Student Services (Exhibit D); and

6. Letter, dated December 8, 1994, from Peggy S. Hong to Russell Okata, Executive Director of the Hawaii Government Employees' Association (HGEA), requesting concurrence with the proposed change of the Community Education Assistant, SR-09, BU-03 to a UH Educational and Academic Support Specialist, PO 1, BU-08 (Exhibit E).

Based on the affidavit of Peggy S. Hong 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 03 and 08.

The HGEA is the certified exclusive representative of the employees in bargaining units 03 and 08.

The Employer asserts that the duties and responsibilities of Position No. 28435, previously a Community Education Assistant, are now commensurate with that of Position No. 80309, UH Educational and Academic Support Specialist.

The HGEA concurs with the BOR's proposed transfer of Position No. 28435 in bargaining unit 03 to Position No. 80309 in bargaining unit 08 and is deemed to have waived the right to a hearing thereon. Exhibit E.

According to the Position Description for the UH Educational and Academic Support Specialist, the position will be in the Wai'anae-Nanakuli Education Center, an instructional outreach center operated by Leeward Community College. Under the direction of the Leeward Community College Wai'anae Coordinator, the position will provide information to the public, assist in the application and registration process and assist students and faculty in accessing instructional materials for classes. The position performs the following duties in the approximate percentages of worktime:

1. Provides basic information to prospective students and the general public about college programs, application and registration procedures and financial aids (20%);
2. Assists students in accessing and utilizing learning resources including computers, on-site materials and library materials at the Pearl City Campus via computer terminals (25%);
3. Provides tutoring to students in the learning lab (10%);



4. Serves as liason between Leeward Community College Wai'anae faculty and library staff to provide library materials needed for classes and organizes reserve materials on-site and arranges for student access (10%);
5. Assists students in filling out applications and financial aids forms (10%);
6. Assists Counselor in orientation, testing and registering students for Leeward Community College, Wai'anae courses (5%);
7. Makes site arrangements for courses via television and proctor exams for these courses as needed (5%);
8. Assists in the preparation of reports on center activities (5%); and
9. Assists in the development of educational programming, workshops and special events and perform other duties as assigned (10%).

According to the class specifications for the UH Educational and Academic Support Specialist, employees in this class perform entry level work in educational and academic support activities. Employees in this class may participate in educational planning, participate in coordinating training sessions and conferences, work in one or more areas of student service activities such as admissions and records work and perform related work as required. 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 08 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. 80309, the position will engage in a variety of educational and academic support activities and will be assigned to a specific organization to perform work such as teaching, curriculum development, curriculum evaluation and student services. Thus, the Board finds that the position will perform basic

administrative duties which are characteristic of the UH Educational and Academic Support Specialist which is included in Unit 8. Consequently, under the provisions of Section 89-6, Hawaii Revised Statutes (HRS), the position should be transferred from Unit 03 to Unit 08.

CONCLUSIONS OF LAW

The Board has jurisdiction over the subject petition pursuant to Section 89-6, HRS.

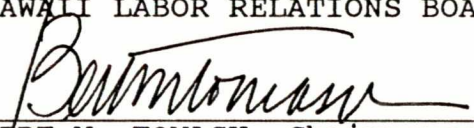
The Employer redescribed the duties and responsibilities of Position No. 28435, Community Education Assistant which was included in Unit 03 and reclassified the position to Position No. 80309, UH Educational and Academic Support Specialist. As this position is included in the Administrative, Professional and Technical (APT) Classification and Compensation Plan, the position should be transferred from Unit 03 to Unit 08.

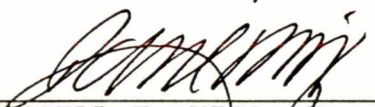
ORDER

Position No. 28435, Community Education Assistant, which was reclassified to Position No. 80309, UH Educational and Academic Support Specialist, is hereby transferred from Unit 03 to Unit 08.

DATED: Honolulu, Hawaii, February 14, 1995.

HAWAII LABOR RELATIONS BOARD

  
BERT M. TOMASU, Chairperson

  
RUSSELL T. HIGA, Board Member

  
SANDRA H. EBESU, Board Member

BOARD OF REGENTS; CASE NOS.: RA-03-203a, RA-08-203b  
DECISION NO. 364  
FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Copies sent to:  
Peggy S. Hong  
Joyce Najita, IRC  
William Puette, CLEAR  
State Archives  
Publications Distribution Center  
Richardson School of Law Library  
University of Hawaii Library  
Library of Congress