MEMORANDUM OF AGREEMENT
ACT 253, SLH 2000
Article 11, Discipline
Bargaining Unit 09

This MEMORANDUM OF AGREEMENT is entered into this 18th day of May, 2006, by and between the State of Hawaii, the Hawaii Health Systems Corporation, the Judiciary, the City and County of Honolulu, the County of Hawaii, the County of Maui, and the County of Kauai ("Employer") and the Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO ("Union") on behalf of the employees of Bargaining Unit 09.

As the result of negotiations between the parties in compliance with Act 253, SLH 2000, Article 11, Discipline, is amended as follows:

ARTICLE 11 - DISCIPLINE

A. Employees shall be subject to discipline by the Employer for just and proper cause. [Such Employees who are disciplined shall be furnished the reason or reasons for the discipline in writing and shall, subject to the provisions of Article 19, Personnel File, be provided the opportunity to comment in writing in their own defense.]

B. When the Employer takes action under this Article which either the Employee or the Union believes is improper or unjustified, the Employee or the Union shall have the right to process a grievance through the grievance procedure as provided under Article 14, Grievance Procedure, hereunder.

C. Disciplinary action against any Employee shall be considered confidential.

D. Written Reprimands.

1. A written reprimand issued to an Employee shall contain the specific reasons for the action and a statement that the Employee may consult the Union on the matter.

2. The written reprimand shall be issued to the Employee in person or, if impracticable, mailed to the Employee's last known address.

E. Suspensions.

1. Whenever an Employee is suspended for four (4) or less working days, the Employee shall be given written notice of the suspension within forty-eight (48) hours after the suspension; provided that, for suspensions of five (5) or more working
days, the Employee shall be given written notice of the suspension prior to the commencement of the suspension. The notice shall contain the following:

a. ______ The specific reason(s) for the suspension;

b. ______ The effective date(s) of the suspension; and

c. ______ A statement that the Employee may consult with the Union on the matter.

2. The notice of suspension shall be provided to the Employee in person or, if impracticable, mailed to the Employee's last known address.

F. Discharges and Disciplinary Demotions.

1. Whenever a discharge or disciplinary demotion action is to be taken against an Employee, the Employee shall be given a written notice of such action. The notice shall contain the following:

a. ______ The specific reason(s) for the action;

b. ______ The effective date(s) of the discharge or disciplinary demotion;

c. ______ An opportunity to respond prior to the effective date of the discharge or disciplinary demotion action; and

d. ______ A statement that the Employee may consult with the Union on the matter.

2. A written notice of a discharge or disciplinary demotion action shall be issued to the Employee in person, or if impracticable, mailed to the Employee's last known address at least ten (10) days prior to the discharge or disciplinary demotion action.

3. A disciplinary demotion shall be for a specified period of time.

This MEMORANDUM OF AGREEMENT is effective on the day first set forth above and shall continue in effect until such time that the provisions herein are incorporated into the BU 09 collective bargaining agreement with the printing of the next BU 09 collective bargaining agreement.

IN WITNESS WHEREOF, the parties hereto by their authorized representatives have executed this MEMORANDUM OF AGREEMENT as of the effective date written above.
FOR THE EMPLOYER:

Mam Kea
State of Hawai'i and
Office of Collective Bargaining

Shawn M. Takai
Hawaii Health Systems Corporation

FOR THE HAWAII GOVERNMENT EMPLOYEES ASSOCIATION:

Roy Pii
Russell K. Okata, Executive Director

Douglas
City and County of Honolulu

Name
County of Hawaii

Gary T. Kiyoe
County of Maui

Melinda C. Fernandes
County of Kauai

APPROVED AS TO FORM

Deputy Attorney General

MOA Act 253 Compliance
Article 8 -- Discipline