



STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

June 6, 2006

TO: Departmental Personnel Officers

FROM: Labor Relations Office, Employee Relations Division

SUBJECT: Memoranda of Agreement (MOA) on Discipline for Bargaining Units 2, 3, 4, 9, and 13

As part of the Act 253 negotiation process, various MOAs have been negotiated with the HGEA to incorporate provisions that were in the repealed Rules and Statutes into the collective bargaining agreements. This group of MOAs replaces the existing Discipline Article in the Agreements for Bargaining Units 2, 3, 4, 9, and 13.

The new provisions are similar, but not identical to, provisions that were contained in Chapter 15 of the State Personnel Rules, which was repealed in April, 2002. We would like to call your attention to the following:

- The requirement that a letter of reprimand be given to the employee within seven (7) working days of the incident (Section 14-15-2(c) of the Rules) was not incorporated into the MOA.
- The limitations on the duration of a suspension (Section 14-15-2(g) of the Rules) were not incorporated into the MOA.
- Disciplinary demotions must be for a specified period of time, but the duration is not set at six months as it was in the Rules. (Section 14-15-5).
- Rather than informing the employee of their appeal rights, employees need only be notified that they may consult with the Union on the matter. This language was adopted so that the Employer need not be concerned with the proper forum for appeal. Occasionally notices of adverse, but non-disciplinary actions, contained statements of grievance appeal rights, when technically the employee's appeal venue was not through the grievance procedure. Advising the employee that they may consult with the union is a more "neutral" statement, while at the same time giving the employee some direction for assistance.

Departmental Personnel Officers
MOA on Discipline for Bus 2, 3, 4, 9, and 13
June 5, 2006
Page 2

If you have any questions on this MOA, please call your point of contact in the Labor Relations Office.

ERD/lr:kl
Enclosures

c: OCB
Jurisdictions
HRD Divisions
AG/ELD