

Memorandum of Agreement
Between the
State of Hawai'i, Board of Regents, University of Hawai'i and the
Hawai'i Government Employees Association
Alternative Work Week
Bargaining Unit 8

THIS MEMORANDUM OF AGREEMENT (MOA) is entered into on this 20th day of October, 2009, by and between the University of Hawai'i, Board of Regents, State of Hawai'i ("Employer"), and the Hawai'i Government Employees Association, AFSCME, Local 152, AFL-CIO ("Union") on behalf of employees in Bargaining Unit 8.

In order to provide flexibility for employees in work week scheduling consistent with the needs of the public, as well as the health, safety and welfare of employees, certain provisions of the collective bargaining agreement must be modified for employees who request alternative work week schedules.

NOW THEREFORE, the UNION and the EMPLOYER mutually agree to the following:

1. The attached Alternative Work Week (AWW) Program Guidelines ("GUIDELINES") shall be followed to determine the working conditions for employees who request to participate in an alternative work week schedule.

2. Appendix A of the GUIDELINES shall be utilized by University programs to designate variations of the GUIDELINES for:

- a. Core work days;
- b. AWW schedule options;
- c. Start and/or end times of the work day;
- d. Duration of the AWW work schedule;
- e. Situations when the employee-participant shall revert back to an eight-hour, five (5) day work week schedule.

Programs shall provide a copy of Appendix A for their respective organizational component to the UNION.

3. Other modifications to the GUIDELINES may be proposed by the respective Vice President or Chancellor ("Appointing Authority") to accommodate unique requirements not addressed by the GUIDELINES or its Appendix A. Such modifications shall not otherwise alter provisions of the GUIDELINES and shall become effective following consultation or negotiation, as appropriate, with the UNION.

4. The following provisions of the CBA shall be modified as detailed in the GUIDELINES:

- a. Article 19A - Overtime
- b. Article 20 – Night Differential

- c. Article 28 – Holidays
- d. Article 29 – Funeral Leave
- e. Article 32 – Sick Leave

The EMPLOYER and the UNION agree that articles contained in the Unit 8 collective bargaining agreement not included above, but subsequently determined to be impacted by the AWW program MOA shall be subject to negotiations between the parties.


Nothing in this agreement shall be interpreted to mean that the EMPLOYER must provide for alternative work week options where work efficiency and production, services provided, or access to services will be reduced, or requests for such options by employees will result in increased costs to the EMPLOYER.

THIS MOA SHALL BE EFFECTIVE from July 1, 2009, through and including June 30, 2011, unless either of the parties terminates this MOA by giving thirty (30) days written notice.

IN WITNESS WHEREOF, the parties hereto, by their authorized representatives, have executed this MOA on the day and year first written above.

FOR THE EMPLOYER:

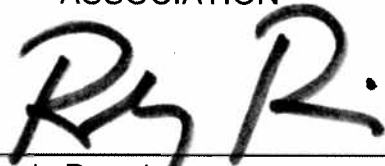
STATE OF HAWAII



Marie C. Laderta, Chief Negotiator
State of Hawaii

FOR THE UNION:

HAWAII GOVERNMENT EMPLOYEES
ASSOCIATION




Randy Perreira,
Executive Director

UNIVERSITY OF HAWAII:




Howard H. Karr
Chairperson, Board of Regents

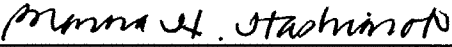


Dennis I. Hirota
Vice Chairperson, Board of Regents

UNIVERSITY OF HAWAII:




M.R.C. Greenwood
President



Brenna H. Hashimoto
System Director of Human Resources

APPROVED AS TO FORM:



Christine S.Y. Chun
University Associate General Counsel

UNIVERSITY OF HAWAII
ALTERNATIVE WORK WEEK (AWW) PROGRAM
GUIDELINES

ADMINISTRATIVE, PROFESSIONAL & TECHNICAL (APT) EMPLOYEES

I. INTRODUCTION

- A. The Alternative Work Week (AWW) Program provides APT employees at the University of Hawai'i the opportunity for more flexible work schedules. These GUIDELINES provide the framework for the AWW program. Specific parameters for each AWW program are identified in Appendix A, which shall be completed and approved by the respective Vice President, Chancellor, Vice Chancellor, Dean/Director, or their designee.
- B. All references to the employer contained herein shall include responsible appointing authorities of the various programs and their designated representatives.

II. ASSURANCES

- A. These guidelines have been developed to provide flexibility for employees in work week scheduling consistent with the needs of the public, the health, safety, and welfare of employees, and for the efficient administration and management of operations by the employer. An equitable distribution of workload to all employees within the work unit shall be maintained.
- B. The University and the HGEA agree to address unexpected issues regarding the AWW program.
- C. All applicable State and federal statutes and regulations, such as the Fair Labor Standards Act (FLSA), shall be followed.
- D. There shall be no increase in costs to the Employer as a result of the AWW program.
- E. The Employer shall survey campuses annually to identify participants, to evaluate the program's effectiveness, and to assess satisfaction with the AWW program. The results of the survey shall be shared with the Union.

III. BASIC PRINCIPLES

- A. All programs of the University shall be operated to provide effective and efficient services, with due consideration given to the needs and desires of employees regarding the scheduling of work. Each program shall assure proper and adequate staffing during hours of operation and take reasonable precautions to provide for the safety of staff.

- B. All full-time employees, except as indicated by the employer in Appendix A, have the opportunity within their respective career group, to request participation in any of the options made available by the appointing authority as indicated in Appendix A.
- C. Participation in the AWW program shall not change the basic monthly salary or other employment benefits of the employee.
- D. The employer shall determine in Appendix A, the work week options (1, 2, and/or 3) employees may request. Scheduling of employees for the option requested shall take into consideration the following:
 - 1. Participation shall be subject to the employer's determination that adequate staffing is available and that office operations are not adversely impacted.
 - 2. If the selection by employees presents an unsatisfactory staffing arrangement on any day, the employer or a designee shall determine the number of employees and types of positions permitted to work on a specific work week option, including the day off, for all employees. In making that determination, a system of allowing employees to rotate, not more than semi-annually, into desirable schedules shall be used.
 - 3. In the event of a natural disaster, abnormal workload increase, or an emergency, the employer may suspend participation in the AWW program.

IV. GENERAL FEATURES

A. HOURS OF OPERATION

It is recommended that programs remain open during normal business hours.

B. CORE WORK DAYS WITHIN THE WORK WEEK

All employees shall be required to work the core work days of each week, as designated by the Employer in APPENDIX A, unless a holiday falls on any one of the core work days.

C. MEALS

A meal shall be taken during the course of the work day and shall not be "saved" to shorten the work day. Meal periods shall not be less than 30 minutes.

D. VACATION AND SICK LEAVE

1. Vacation and sick leave shall be charged based on the amount of time the employee is scheduled to work on that day.
2. A doctor's certificate shall be required for absences due to sickness of 40 or more consecutive work hours.

E. OTHER LEAVES OF ABSENCE

1. Funeral leave shall be administered on an hourly basis and shall not exceed 24 hours for each funeral leave request.
2. Military leave shall be administered on an hourly basis.

F. NIGHT DIFFERENTIAL

1. Night differential shall not be paid during the employee's regularly scheduled work hours under the employee's AWW work schedule.
2. Notwithstanding the above, employees whose non-AWW work schedule includes the payment of night differential shall continue to receive the night differential for the same number of work hours while participating in the AWW program.

G. OVERTIME

The number of hours worked per day and per week, as well as the number of days in the work week shall be governed by the specific AWW option selected by the employee.

1. The number of straight-time hours an employee is expected to work during the work week shall be 40 hours under Option 1 or Option 2 and 80 hours in a two-week period under Option 3.
2. Only employees exempt from the Fair Labor Standards Act (FLSA) may select Option 3: 8-9-1 as their AWW schedule. The provisions of Article 19A – Overtime shall not apply when the employee works more than 40 hours per week based on the Option 3 AWW schedule.
3. Whenever an employee works upon proper written authority in excess of forty (40) straight time hours per week or eighty (80) straight time hours over a two week period under Option 3, the provisions of Article 19A shall apply.

V. AWW SCHEDULE OPTIONS

The number of hours worked per day shall be governed by the specific option requested by the employee. The number of straight-time hours an employee is expected to work during the work week shall be 40 hours for Options 1 and 2, and 80 hours over a two week period for Option 3.

Starting times shall be no earlier than 6:00 a.m., ending times shall be no later than 7:00 p.m., unless more restrictive times are specified by the employer, in Appendix A. The foregoing shall not apply to employees whose non-AWW work schedules include shift work or starting times prior to 6:00 a.m. and ending times after 7:00 p.m.

A. Option 1: The 4-10 Schedule

1. An employee works four (4) ten-hour work days, which shall include all designated core work days.
2. Work weeks which include a holiday may revert to the regular eight-hour, five (5) day work week schedule, if so designated in Appendix A. Otherwise, if the holiday falls on the employee's scheduled work day, the employee shall apply for two (2) hours of vacation leave on the holiday.

B. Option 2: The 4-9-4 Schedule

1. An employee works four (4) nine-hour days, which shall include all designated core work days, and one (1) four-hour day during the same work week.
2. Work weeks containing a holiday may revert to the regular eight-hour, five (5) day work week schedule, if so designated in Appendix A. Otherwise, if the holiday falls on the employee's scheduled nine-hour work day, the employee shall apply for one (1) hour of vacation leave on the holiday. If the holiday falls on the employee's scheduled four-hour work day, the employee shall, with the approval of the supervisor, take the remaining four hours off from the other work days during that week.

C. Option 3: The 8-9-1 Schedule

1. This option is only available to employees who are exempt from the FLSA.

2. The employee agrees to work eight (8) nine-hour work days and one (1) eight-hour work day over a two-week period:
 - a. Week #1: The work schedule for the first week shall consist of four (4) nine-hour work days and an eight-hour work day.
 - b. Week #2: The work schedule for the second week shall consist of four (4) nine-hour work days, which shall include the designated core work days, and one day off.
3. For holidays that fall on an employee's day off during Week #2, the employee is to take the same day off during Week #1 of the two-week cycle. For example, if Friday of Week 2 is a holiday, the employee is to take the day off on Friday of Week #1.
4. If a holiday falls on an employee's scheduled work day, the employee shall either use the holiday as the eight-hour work day or apply for one (1) hour of vacation leave on the holiday.
 - a. Example 1: An employee is scheduled to work nine-hour days from Monday through Thursday and an eight-hour day on Friday. If a holiday falls on Tuesday, the employee may use the holiday as the eight-hour work day and work nine hours on Friday.
 - b. Example 2: An employee is scheduled to work nine-hour days from Monday through Thursday and an eight-hour day on Friday. If the holiday is observed on a Monday, the employee may maintain this schedule and charge one (1) hour of vacation leave on the holiday.

VI. WORK SCHEDULE

Employees shall be permitted to indicate their preferred option, in accordance with the parameters specified in Appendix A, using form Appendix B.

- A. The employee shall submit Appendix B to their immediate supervisor at least two (2) weeks before the start of their proposed participation in the AWW program. In consideration of the employee's need for advance notice of the change in work schedule, the supervisor shall provide a timely response to the employee's request by completing the bottom portion of Appendix B. In the event an employee no longer wishes to participate in the AWW program, the employee will provide their supervisor two (2) weeks prior notice in writing before reverting to the eight-hour, five (5) day work week schedule. Additional advance notice may be required if such a change will impact the work schedules of other

participants. Where the employer determines that reverting back to the regular eight-hour, five day work week provides for more effective and efficient operations, the employer will provide, in writing, thirty (30) days notice to employees. Any employee who does not select an alternative work schedule shall work the standard eight-hour, five (5) day work week.

- B. The work week schedule shall be made available to employees in each participating program/office.
- C. Employees shall be required to revert to the normal eight-hour, five (5) day work week schedule for those weeks as designated by the employer in Appendix A.
- D. Employees may temporarily revert to an eight-hour, five (5) day work week during the week(s) in which they are taking funeral leave.
- E. Employees participating in the AWW program may be subject to consultative calls from their supervisor on their day off with no additional compensation if contact is made during normal business hours. Supervisors shall endeavor to limit such calls to matters that are urgent or of an emergency nature which cannot wait until the employee returns to work.

UNIVERSITY OF HAWAII
ALTERNATIVE WORK WEEK (AWW) GUIDELINES
APPENDIX A
ADMINISTRATIVE, PROFESSIONAL & TECHNICAL (APT) EMPLOYEES

I. IDENTIFYING INFORMATION

- A. Campus: _____ B. Program: _____
- C. Career Groups or Functional Titles (if limited to only certain APT positions): _____

- D. Name of Administrative/Personnel Officer: _____
e-mail and phone number: _____

II. DESIGNATIONS (Check off those that are applicable to this AWW Program)

- A. **EXCEPTIONS** to participation in AWW program:
Unless specifically waived by the appointing authority, the following types of employees are not eligible to participate in the AWW program:

1. _____ Casual hire appointees;
2. _____ Temporary appointees less than _____ months;
3. _____ New probationary appointees;
4. _____ Employees provided notice of the six (6) month Opportunity to Improve Performance period (see, A9.170)
5. _____ Other Employees as may be determined by the Employer, based on operational reason(s). Specify: _____

B. **CORE WORK DAYS:**

1. _____ Sunday (only for other than M – F work weeks)
2. _____ Monday
3. _____ Tuesday
4. _____ Wednesday
5. _____ Thursday
6. _____ Friday
7. _____ Saturday (only for other than M – F work weeks)

C. **AVAILABLE AWW OPTIONS:**

1. _____ The 4-10 Schedule
2. _____ The 4-9-4 Schedule
3. _____ The 8-9-1 Schedule (only for employees exempt from FLSA)

D. START AND END TIMES: (no earlier than 6:00 am; no later than 7:00 pm)

1. 4-10 Schedule – Start: _____ End: _____
2. 4-9-4 Schedule – Start: _____ End: _____
3. 8-9-1 Schedule – Start: _____ End: _____

E. DURATION OF WORK SCHEDULE:

1. _____ 4 Weeks – Begin: _____ End: _____
2. _____ 12 Weeks – Begin: _____ End: _____
3. _____ Duration of the Agreement (Ending June 30, 2011)

F. SHALL REVERT TO AN EIGHT-HOUR, FIVE (5) DAY (5-8) SCHEDULE WHEN:

1. _____ Mandatory training occurs on employee's day off;
2. _____ Mandatory meeting occurs on employee's day off;
3. _____ Court hearing (jury/witness duty, arbitration, etc.);
4. _____ State holiday occurs during the work week;
5. _____ Employee is attending an all-day event away from the work site;
6. _____ Employee is traveling in or out of State;
7. _____ Employee is on workers' compensation - temporary partial disability (TPD), temporary total disability (TTD) or light duty;
8. _____ As directed by the employer based upon operational needs.

APPROVED BY:

Appointing Authority or designee

Date

c: HGEA
Human Resources Representative

UNIVERSITY OF HAWAII
ALTERNATIVE WORK WEEK (AWW) GUIDELINES
APPENDIX B
ADMINISTRATIVE, PROFESSIONAL & TECHNICAL (APT) EMPLOYEES

I. IDENTIFYING INFORMATION

A. Campus: _____ B. Program: _____
C. Employee Name: _____
Title: _____

II. REQUEST TO PARTICIPATE IN THE AWW PROGRAM

I am requesting participation in the AWW Program. The following indicates my preferences within the parameters specified in Appendix A:

A. AWW Schedule Option: _____ B. Day Off: _____
C. Start and End Times (no earlier than 6 am & no later than 7 pm): _____
D. Duration of Work Schedule (Dates): _____

III. SUPERVISOR'S REVIEW

A. _____ You are approved to participate in the AWW Program:
1. AWW Schedule Option: _____ 2. Day Off: _____
3. Start and End Times: _____
4. Duration of Work Schedule: _____

B. _____ You are not approved to participate in the AWW Program at this time.

Supervisor's Name (print): _____
Title: _____

Supervisor's Signature

Date

c: Program's Human Resources Representative