

SUPPLEMENTAL AGREEMENT
Performance Appraisal System
UNIT 1 and 10

This Supplemental Agreement is entered into this 30th day of June, 2006 by and between the State of Hawaii, Department of Human Resources Development ("Employer") and the United Public Workers, American Federation of State County and Municipal Employees, Local 646, AFL-CIO, ("Union") on behalf of the Employees of Unit 1 and Unit 10.

WHEREAS in 1996, the Union filed grievances GWR-96-7 AND GWR-96-8 and prohibited practice complaints, CE-01-307 and CE-10-306, with the Hawaii Labor Relations Board concerning the Employer's failure to obtain mutual consent from the Union prior to implementing the Performance Appraisal System (PAS);

WHEREAS, the grievances GWR-96-7 and GWR-96-8 were resolved and HLRB Decision 409 on prohibited practice complaints CE-01-307 and CE-10-306 were implemented by a Memorandum of Agreement entered into on August 9, 2000 that contained the provisions herein; and

WHEREAS, the Employer and the Union wish to maintain the following agreed upon practice;

NOW THEREFORE, the parties mutually agree to the provisions of Sections 1, 2, and 3 below:

Section 1. SUPERVISOR'S DISCUSSION NOTES

- a. Supervisors shall notify the Employee of performance deficiencies in writing and make suggestions for improvement. The suggestions for improvement shall be oral or in writing.
 - (1) When suggestions for improvement are given orally, the Supervisor shall note on the Supervisor's Discussion Notes (SDN) that suggestions for improvement were discussed with the Employee and shall have the Employee acknowledge the discussion by initialing and dating the note and a copy shall be provided to the Employee.
 - (2) When suggestions for improvement are given in writing, the Supervisor shall note the suggestion on the SDN or as an attachment to the SDN and a copy shall be provided to the Employee.

- b. Notes on the SDN shall not be used to address misconduct, attendance problems, etc. Disciplinary action shall be taken as provided in the Unit 1 and Unit 10 Agreements and documentation of such action shall be filed immediately in the Employee's Official Personnel file (OPF).
- c. If an Employee's rating may result in a failure to meet performance requirements of the Employee's position, the Employer shall comply with procedural requirements, including the conditions under which an Employee may be released from the Employee's position or discharged if applicable.

Section 2. ACCESS TO THE CONFIDENTIAL PAS WORKING FILE
DURING AN EMPLOYEE'S CURRENT RATING CYCLE

- a. During an Employee's current rating cycle, PAS forms that are not finalized shall be kept in the confidential PAS working file.
- b. The Employee and/or the Union shall by appointment be permitted to examine the Employee's confidential PAS working file while the file is current, rather than at the end of an Employee's rating period.

Section 3. RETENTION OF PAS FORMS

- a. At the end of the rating cycle, the Employer shall place, in the Employee's OPF, the Employee's final PAS rating forms and other relevant information that is not in the Employee's OPF.
- b. Other information in the confidential PAS working file that is not placed in the Employee's OPF after the rating cycle shall be destroyed.
- c. Retention of the Employee's OPF shall be in accordance with the Department of Accounting and General Services' General Records Schedule.
- d. Notations in the PAS on performance deficiencies and suggestions for improvement made in evaluating an Employee's performance that are in accordance with this Memorandum of Agreement shall not be construed as derogatory material as provided in Section 17 of the Unit 1 and Unit 10 Agreements, provided that factual inaccuracies shall be removed or corrected as a result of a grievance resolution.

This SUPPLEMENTAL AGREEMENT shall be effective from the date first written above to and including June 30, 2007.

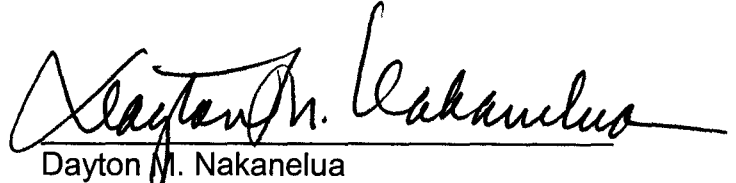
IN WITNESS WHEREOF, the parties hereto, by there authorized representatives, have executed this Supplemental Agreement on the day and year first written above.

FOR THE EMPLOYER

FOR THE UNION

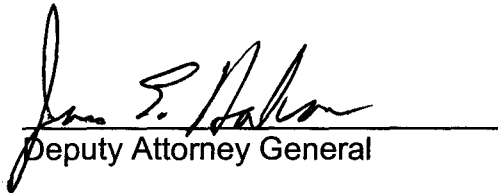


Marie C. Laderta
Director, Department of Human
Resources Development
Chief Negotiator, Office of Collective
Bargaining



Dayton M. Nakanelua
State Director
United Public Workers, AFSCME,
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Approval as to form:



Jon S. Baker
Deputy Attorney General