

**SUPPLEMENTAL AGREEMENT**  
ARTICLE 17 - Personal Rights and Representation  
LEGAL REPRESENTATION  
Bargaining Unit 3

This SUPPLEMENTAL AGREEMENT is entered into this 26<sup>th</sup> day of July, 2007 by and between the State of Hawaii and the Judiciary, hereafter "Employer" and the Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO, hereafter "UNION" on behalf of Employees in Bargaining Unit 3.

WHEREAS, from time to time, Employees are called upon to testify in court, both in criminal and civil proceedings, in a deposition, and/or in administrative hearings concerning matters that arise in the course of employment and within the scope of the Employee's duties and responsibilities;

WHEREAS, it is in the interest of the Employer and the Employee to testify in a manner that is both professional and effective;

WHEREAS, it is recognized that the key to professional and effective testimony is proper preparation and, on occasion, sound legal advice;

WHEREAS, it is recognized that in those matters where the Employee is being called as a witness by a government attorney it is the responsibility of that government attorney to properly prepare and advise the Employee witness;

WHEREAS, it is also recognized that there are matters where the Employee must appear as a witness where there is no government attorney or the issues involved are beyond the interest or knowledge of the government attorney and assistance or advice is warranted from an appropriate deputy attorney general; and

WHEREAS, the determination of the degree of legal support necessary in a particular case is the responsibility of the attorney general;

NOW THEREFORE, the UNION and the EMPLOYER mutually agree that Article 17, Paragraph E of the Unit 3 collective bargaining agreement shall be deleted in its entirety and replaced as follows:

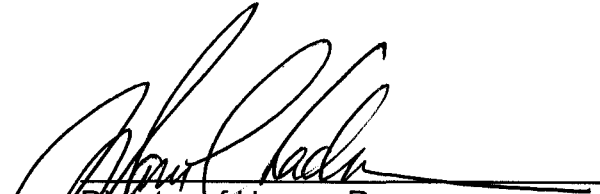
E. The Employer shall provide legal counsel or such other legal support as the attorney general or his designee deems appropriate under the circumstances for an Employee, upon the Employee's request, when the Employee is sued, named as a party or required to testify in a proceeding on a matter arising in the course of employment and within the scope of the Employee's duties and responsibilities. If an Employee has requested legal counsel and objects to the determination of the level of legal support provided, the Employee through his or her union representative may meet and confer, in person, by telephone or by video teleconference with the supervising deputy attorney general of the relevant division. If the Employee still has objections after

the meeting with the relevant supervising deputy attorney general, the Employee may meet and confer with the Attorney General in person, by telephone or video conference. In addition, the Employee's required presence in any proceeding as a defendant, party or witness on a matter arising in the course of employment and within the scope of the Employee's duties shall be considered work time, provided whenever an Employee's required presence is on the Employee's scheduled day off or holiday off, the Employee shall be guaranteed a minimum of two (2) hours overtime pay.


This SUPPLEMENTAL AGREEMENT shall be effective from the date of execution noted above and shall continue for the duration of the Unit 3 master collective bargaining agreement, unless either of the parties terminates the SUPPLEMENTAL AGREEMENT by giving thirty (30) days written notice.

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

FOR THE EMPLOYER:  
State of Hawaii

  
\_\_\_\_\_  
Director of Human Resources  
Development; and  
Chief Negotiator, Office of Collective  
Bargaining

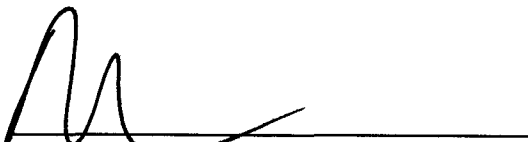
FOR THE UNION:  
Hawaii Government Employees  
Association

  
\_\_\_\_\_  
Executive Director

Judiciary

  
\_\_\_\_\_  
Administrative Director of the Courts

APPROVAL AS TO FORM AND SUBSTANCE:

  
\_\_\_\_\_  
Attorney General