February 11, 2005

TO: Departmental Personnel Officers
FROM: Labor Relations Office/Employee Relations Division
SUBJECT: Supplement Agreement with UPW on Dual Holiday Observance in 2005

Enclosed is a copy of the Supplemental Agreement with UPW executed on February 10, 2005 which provides for the observance of the upcoming Prince Kuhio Day holiday.

According to the UPW collective bargaining agreements, Good Friday and Prince Kuhio Day will be observed on the same day in 2005 for Monday through Friday work schedules. The Supplemental Agreement establishes the process for the observance of the Prince Kuhio Day holiday as follows:

- BU 1 and 10 employees shall be entitled to observe the Prince Kuhio Day holiday on any date within the calendar year that is mutually agreeable between the employee and his/her supervisor.

- The employee and supervisor must reach mutual agreement on the alternate date by March 31, 2005.

- If an agreement can not be reached, the appointing authority or designee (other than the employee’s immediate supervisor) shall make a final and binding decision by April 15, 2005.

Please refer to the Memorandum dated October 25, 2004, regarding the Prince Kuhio Day and Good Friday Holidays in 2005, issued by the Personnel Transactions Office for recording of the selected date for the Prince Kuhio Day holiday. The Questions and Answers Regarding the Observance of Good Friday and Prince Kuhio Day, issued on January 14, 2005, is also applicable to the UPW agreement.

Please note that practices relating to the compensation for a holiday remain unchanged for UPW employees. Unlike the newly negotiated HGEA Holiday Article, the UPW Supplemental Agreement does not entitle an employee to be compensated for the holiday if the employee worked (or was on paid leave status) on the employee’s normal workday immediately preceding the holiday or immediately following the holiday.

If you have any questions, please contact your Labor Relations or Personnel Transactions Point of Contact.

ERD:lr/kt
Enclosure
SUPPLEMENTAL AGREEMENT
Prince Kuhio/Good Friday Holiday 2005
Bargaining Units 1 and 10

This Agreement is made and entered into on this 10th day of February, 2005 by and between the State of Hawaii ("State") and the United Public Workers, AFSCME, Local 646, AFL-CIO, ("Union") on behalf of Employees in Bargaining Units 1 and 10.

A. In the year 2005, the Good Friday holiday falls on Friday, March 25, 2005. The Prince Kuhio holiday falls on Saturday, March 26, 2005. Thus, for employees who are on a Monday through Friday work schedule, the Good Friday holiday and the Prince Kuhio holiday will be observed on the same day, Friday, March 25.

B. The State believes its employees should not lose the benefit of two holidays notwithstanding that by the provisions of the Units 1 and 10 collective bargaining agreement the two holidays fall on the same day for employees who are on a Monday through Friday work schedule.

C. Therefore, employees who are on a Monday through Friday work schedule shall observe the Good Friday holiday on Friday, March 25. For the Prince Kuhio holiday, the employees shall reach an agreement with their immediate supervisor as to which day during the 2005 calendar year that holiday shall be observed. This agreement shall be reached by March 31, 2005. If the employee and the employee's immediate supervisor are unable to reach an agreement, the employee's appointing authority or designee, other than the employee's immediate supervisor, shall make a final and binding decision no later than April 15, 2005.
This Agreement shall be effective upon the date first noted above, and shall terminate on December 31, 2005.

For State of Hawaii

[Signature]

Kathleen N. A. Watanabe,
Department of Human Resources
Development Director

Ken Taira,
Chief Negotiator
Office of Collective Bargaining

For the United Public Workers

[Signature]

Dayton M. Nakanelua,
State Director

APPROVAL AS TO FORM

[Signature]

Department of the Attorney General
TO: All Departmental Personnel Officers

FROM: Edwin Y. M. Young, Chief
Personnel Transactions Office
Employee Relations Division

SUBJECT: Prince Kuhio Day and Good Friday Holidays in 2005

We were contacted by two departmental personnel offices with questions regarding the two holidays which will be observed on March 25, 2005. The dual holiday observance will affect:

- HGEA employees covered in collective bargaining unit agreements for units 02, 03, 04, 09, and 13 (Please refer to Tentative Agreements for BU's 02, 03, 04, and 13 for additional information. Forthcoming will be a Memorandum of Agreement for BU 09.);
- Exempt excluded employees, excluded managerial compensation plan (EMCP) employees excluded from bargaining units 02, 03, 04, 09, and 13, and elected and appointed officials (Please refer to Executive Order 04-09 for additional information. An Executive Order for BU 09 employees will be forthcoming.); and
- Non-EMCP civil service employees who are excluded from bargaining units 02, 03, 04, 09, and 13 (Please refer to Executive Order 04-03 for additional information. An Executive Order for BU 09 employees will be forthcoming.).

While the first holiday is to be observed in the normal manner, the affected employees are entitled to observe the second holiday on any date within the same calendar year (2005) which is mutually agreed to between the employee and the employee's supervisor, provided that such mutual agreement shall be reached no later than January 24, 2005. If an agreement is not reached by January 24, 2005, the employee's appointing authority or designee, other than the employee's supervisor, shall make a final and binding decision no later than February 23, 2005.
We suggest that departments include the scheduling of the second holiday at the same time annual vacation leaves are being scheduled. Prior to the date that the second holiday is to be observed, employees are to be instructed to submit an Application for Leave of Absence, Form G-1, and enter "Holiday" for the type of leave. Please designate the second holiday on the Attendance and Leave Record, State DHRD Form 7 (Form 7), by indicating a double asterisk after the "H" (e.g., "H**") in the lower space of the day section to record when the second holiday is observed. Please refer to the instructions on the back of the Form 7, item #5.(b).

At this time, the dual holiday issue has not been negotiated with the other unions. Therefore, these instructions only apply to the employees listed above. If you should have any questions or concerns, please call the auditor assigned to your department.

c: Director's Office
ERD Chief
HRD Divisions
DAGS-Accounting Division
DAGS-Pre-Audit Branch
OCB
City & County of Honolulu
Hawaii County
Maui County
Kauai County
Judiciary
Hawaii Health Systems Corp.
January 12, 2005

To: All Departmental Personnel Officers

From: Edwin Y.M. Young, Personnel Program Manager
Personnel Transactions Office
Employee Relations Division

Subject: Observance of the Good Friday and Prince Kuhio Day Dual Holidays on March 25, 2005

Attached are the answers to questions asked by several departments regarding the dual holidays observed on March 25, 2005.

If you should have any questions or concerns regarding the dual holidays, please call your assigned auditor for assistance.

Attachment

c: Director's Office
   ERD Chief
   HRD Divisions
   ECCD-Carleton Taketa
   DAGS-Accounting Division
   DAGS-PreAudit Branch
Questions and Answers
Regarding the Observance of Good Friday and
Prince Kuhio Day on Friday, March 25, 2005

1. If more than one employee requests time off for the floating holiday on the
same day, how would the supervisor decide on which employee should be
granted that particular day off?

*As with any other leave, more than one employee may be granted the same
time off if operationally feasible. If not, however, supervisors are advised to
follow the same procedure when there is a conflict in scheduling vacation
time off.*

2. If a supervisor and employee cannot come to a mutual agreement on a date
for the floating holiday, who is the appointing authority who makes the final
decision?

*The appointing authority is the department head or department head’s
designee.*

3. If an employee is granted the floating holiday in January, 2005 but the
employee resigns in February, 2005 (before the March 25th holiday), is the
employee required to reimburse the State for the holiday?

*No. Once the floating holiday is agreed upon, it is treated similarly as a
designated holiday.*

4. If an employee is granted the floating holiday in September, 2005 but the
employee resigns in July, 2005, does the employee lose the holiday?

*Treat the holiday as any other holiday that would have occurred after the
employee’s separation. If the employee is hired prior to July 1, 1997 and is
entitled to a lump sum vacation payout, the holiday may be included in the
payout under certain conditions. For a more detailed explanation, please
refer to HRD Memo regarding the "Computation of Lump Sum Vacation
Payout" dated 9/1/2004.*
5. Once there is agreement between the employee and supervisor or appointing authority or designee on the selection of the floating holiday, is it final and binding?

Yes, provided that changes may be made by mutual agreement by the January 24, 2005 deadline.

6. If an employee is sick on the floating holiday, can the employee choose another day?

No, the day is considered a holiday and the employee would not be charged sick leave.

7. How do we determine whether temporary hires are entitled to the floating holiday?

There are two conditions to determine whether or not the temporary hire is entitled to the holiday: (1) The temporary hire is eligible for paid holidays and (2) the appointment not-to-exceed (NTE) date exceeds the March 25, 2005 holiday.

The 89-day hires and Student Helpers/Student Interns are not eligible for the floating holiday.

8. How is the dual holiday applied to those employees whose work days are other than Monday through Friday?

The existing contract language is to be applied. Therefore, if the holiday (Prince Kuhio Day) falls on the employee’s scheduled work day (Saturday, March 26, 2005), it will be observed on that work day. If however, the holiday falls on an employee’s day off, it will be observed on the first work day after the day off.

9. What happens if the employee is on leave without pay the work day before and after March 25, 2005?

The employee is not entitled to the March 25, 2005 holiday.
9a. Does this mean that the employee is not entitled to the floating holiday also?

The employee’s status for the March 25, 2005 holiday does not affect the employee’s eligibility for holiday pay on the employee's floating holiday. The employee would be entitled to the floating holiday, provided that the employee is on paid status the work day before and or after the floating holiday.

10. Which bargaining unit employees are entitled to the floating holiday?

Civil service and exempt employees included in and excluded from bargaining units 02, 03, 04, 09* and 13; excluded managerial compensation plan (EMCP) employees, and elected and appointed officials are entitled to the floating holiday. Negotiations have been initiated with but have not yet been concluded for bargaining units 01, 10 and 11.

11. When should the employee submit his or her G-1 to the employee's supervisor for the floating holiday?

Similar to requesting vacation leave, the employee should follow the internal office procedure for submitting his or her G-1 prior to the floating holiday.

Each supervisor or office is strongly advised to keep track of the mutually agreed floating holiday dates for reference or may require completing the G-1 by January 25, 2005.

Complete G-1 forms for the floating holiday by January 25, 2005 as documentation of the mutually agreed upon date.

*An executive order for BU09 excluded employees is forthcoming.