

Resolution

No. 22-221

**AUTHORIZING SETTLEMENT OF GRIEVANCE CASE
MS-20-04 FILED ON BEHALF OF ALL UNITED PUBLIC
WORKERS, BU-01 EMPLOYEES IN ALL DEPARTMENTS**

WHEREAS, the United Public Workers on behalf of its Bargaining Unit-01 Members (“Grievants”), filed a class grievance at Step 2 on September 8, 2020, alleging violations by the County of Maui of Section 1 – Recognition; Section 14 – Prior Rights, Benefits and Perquisites; Section 15 – Grievance Procedure; and Section 30 – Temporary Hazard Pay of the Unit 01 Collective Bargaining Agreement. Based on the recommendation of the Department of Personnel Services, Mayor Michael P. Victorino denied the grievance on November 6, 2020. Grievants filed an Arbitration Notice on or about November 17, 2020, and again on May 14, 2021; and

WHEREAS, the County of Maui, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, will attempt to reach a resolution of this case by way of a negotiated settlement agreement; and

WHEREAS, the Department of the Corporation Counsel has requested authority to settle this case under the terms in an executive meeting before the Government Relations, Ethics, and Transparency Committee; and

WHEREAS, having reviewed the facts and circumstances regarding this case and being advised of attempts to reach resolution of this case by way of a negotiated settlement by the Department of the Corporation Counsel, the Council wishes to authorize the settlement; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it approves settlement of Grievance Case MS-20-04 Filed on Behalf of All United Public Workers BU1 Employees in All Departments under the terms in an executive meeting before its Government Relations, Ethics, and Transparency Committee;


2. That it authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case, under terms and conditions as may be imposed by the Corporation Counsel consistent with the Council's settlement approval;

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3. That it authorizes the Director of Finance of the County of Maui to satisfy settlement of this case, under terms and conditions as may be imposed by the Corporation Counsel consistent with the Council's settlement approval; and

4. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Director of Personnel Services, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY



MOANA M. LUTEY
Corporation Counsel
Department of the Corporation Counsel
County of Maui
Lit 6190 Reso Authorizing Settlement

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INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Shirley Lee", is written over a horizontal line.

Upon the request of the Mayor.