

ALAN M. ARAKAWA  
Mayor



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2017 APR 18 PM 3:23

COUNTY OF MAUI  
**DEPARTMENT OF PERSONNEL SERVICES**

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April 17, 2017

Ms. Lynn A.S. Araki-Regan *W*  
Budget Director, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

Honorable Alan M. Arakawa  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

*Alan Arakawa* *4/17/17*  
\_\_\_\_\_  
Mayor Date

For Transmittal to:

Honorable Riki Hokama  
Chair, Budget and Finance Committee  
Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

Dear Chair Hokama:

SUBJECT: FISCAL YEAR ("FY") 2018 BUDGET (PS-4) (BF-1)

We are in receipt of your communication (PS-4) (BF-1), which requests:

*"Which unions have rules that require overtime to be offered first to more senior staff? Please explain."*

As this question occurred during the discussion regarding the effect of wage "spiking" on the required employer pension contribution, we believe that the broad intent of the question is to establish the extent of the employer's flexibility in assigning work that results in overtime or other premium pay. We have attempted to address this broader context in our response.

In response to the specific question above, none of the collective bargaining agreements contain language specifically requiring that overtime be offered to more senior employees first. However, several of the agreements do have requirements that the employer must follow when assigning overtime work. Both Bargaining Unit 01 and Bargaining Unit 12 contain language stipulating that the employer endeavor to assign overtime work on a "fair and equitable" basis, with Bargaining Unit 12 further requiring that the employer give consideration to employees of the same rank within the same work unit. Bargaining Unit 11 goes considerably further and contains a "rank-for-rank" recall requirement. This provision requires the employer, when recalling employees to work overtime in higher-

Honorable Riki Hokama  
April 17, 2017  
Page 2

ranked positions, to offer the overtime opportunity to employees currently of the same rank within certain limits. Each of these provisions may constrain the employer's ability to assign overtime in a manner aimed at minimizing spiking.

While not related to specific contract language, we would also note that other circumstances may similarly constrain the employer's ability to assign overtime. Should a situation occur which requires specific skills or training (e.g., hostage negotiation), the employer may be limited to assigning only those employees with the requisite skills/qualifications. In addition, some situations are such that they require a specific employee (e.g., a police officer may be subpoenaed by name to testify in a specific case) which would similarly constrain the employer's flexibility.

We also note that while comparatively few collective bargaining agreements contain language regarding overtime, virtually all of the agreements do contain language which significantly limits the employer's flexibility when temporarily assigning employees to positions in a higher class, including when such assignment results in overtime.

Bargaining Units 01, 02, 03, 04, 11, 13 and 14 all provide priority for temporary assignment to certain employees based within the same workplace, and Bargaining Units 01, 02, 03, 13 and 14 also require the employer to consider seniority when granting temporary assignment. As temporary assignment results in additional pay, and may also result in overtime pay, these requirements may also constrain the employer's ability to avoid spiking.

I hope this addresses your request. If you have any questions, please feel free to contact me at extension 7850.

Sincerely,



DAVID UNDERWOOD  
Director of Personnel Services

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Attachment