



September 1, 2009

Dr. M. R. C. Greenwood, President
University of Hawaii
2444 Dole Street, Bachman Hall
Honolulu, HI 96822

SUBJECT: Class Grievance re Interpretation & Application of Article XXII-E of the 2003-2009 Agreement between the University of Hawaii Professional Assembly and the Board of Regents of the University of Hawaii

Dear President Greenwood:

This is a class grievance filed at the initiative of the University of Hawaii Professional Assembly on behalf of all members of Bargaining Unit 7. Authority for such a filing exists in the current 2003 - 2009 Agreement between the University of Hawaii Professional Assembly and the Board of Regents of the University of Hawaii ("2003-2009 Agreement"), at XXIV D. thereof, paragraph three. The 2003-2009 Agreement continues in force and effect pursuant to the Decision and Award of Arbitrator Ramil rendered on July 20, 2009. Because this grievance involves more than one component of the University, it is being filed initially at Step 2, with the President.

This grievance concerns the interpretation and application of Article XXII E. of the 2003-2009 Agreement. UHPA contends as follows.

1. Article XXII E. provides that the Employer's percentage rate and monthly contributions for the Hawaii Employer-Union Health Benefits Trust Fund (hereinafter "EUTF") "shall not be less than the highest rate, monthly contribution, or share paid for any Employee-Beneficiary in any other bargaining unit in the same month."
2. The current highest rate being paid in any other bargaining unit by the Public Employer is 60% for the Firefighters and Police units.
3. Under Article XXII E., the Public Employer must remit to the EUTF 60% of the cost of the benefits provided in Article XXII.
4. It appears that the Public Employer is not complying with said contractual requirement and has not remitted the correct amount since July 2009.

**UNIVERSITY OF HAWAII
PROFESSIONAL ASSEMBLY**

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Therefore, the University of Hawaii Professional Assembly respectfully requests that the President of the University of Hawaii grant this grievance as follows:

- a. Provide a summary of amounts remitted by the Public Employer to the EUTF and amounts that under Article XXII E. ought to have been remitted, illustrating any difference; and
- b. Remit to the EUTF any shortfall from and after July 1, 2009; and
- c. Take appropriate steps to ensure that the 60% rate is remitted hereafter, during the pendency of the Agreement.
- d. If the President believes that some other agency or entity is responsible for any shortfall in payments to the EUTF, please provide a written explanation.

Thank you in advance for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. N. Musto'.

J. N. Musto, Ph.D.
Executive Director

JNM:pt

This is to acknowledge receipt of the class grievance.

A handwritten signature in black ink, appearing to read 'Janyu Neysidhorb'.

Recipient's Signature

9-1-09

Date