MEMORANDUM OF UNDERSTANDING
BETWEEN THE DEPARTMENT OF HUMAN RESOURCES,
THE DEPARTMENT OF TRANSPORTATION SERVICES AND
THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION
REGARDING THE TRANSITION OF SUPPORT SERVICES

This MEMORANDUM OF UNDERSTANDING ("MOU") is entered into and effective as of July 1, 2011, by and between the DEPARTMENT OF HUMAN RESOURCES, City and County of Honolulu, whose mailing address is 650 South King Street, 10th Floor, Honolulu, Hawaii 96813 ("DHR"), the DEPARTMENT OF TRANSPORTATION SERVICES, City and County of Honolulu, whose mailing address is 650 South King Street, 3rd Floor, Honolulu, Hawaii 96813 ("DTS") and the HONOLULU AUTHORITY FOR RAPID TRANSPORATION, City and County of Honolulu, whose mailing address is 1099 Alakea Street, Suite 1700, Honolulu, Hawaii 96813 ("HART"). DHR, DTS and HART are collectively referred to as the "Parties."

WHEREAS, the City and County of Honolulu (the "City") is commencing work on the Honolulu High-Capacity Transit Corridor Project, a 20-mile grade-separated fixed guideway rail system from East Kapolei to Ala Moana Center (the "Rail Project");

WHEREAS, on December 16, 2009, the Honolulu City Council (the "Council") adopted Resolution 09-252, CD1, to initiate amendments to the Revised Charter of the City and County of Honolulu 1973, as amended ("Charter"), to create HART, a public transit authority responsible for the planning, construction, operation, maintenance, and expansion of the City's Rail Project;

WHEREAS, at the 2010 general election, the voters approved amending the Charter as proposed by the Council to create HART;

WHEREAS, the Charter amendments established HART effective July 1, 2011;

WHEREAS, on and before June 30, 2011, DHR provided certain services to Rapid Transit Division ("RTD") of DTS, including, but not limited to, those services set forth in Exhibit "A," attached hereto and incorporated herein; and

WHEREAS, to ensure the smooth transition from RTD to HART on July 1, 2011, DTS, HART and DHR have agreed that DHR will continue providing services to HART on and after July 1, 2011, as set forth in this MOU;

NOW, THEREFORE, the Parties hereto agree as follows:

1. Definitions.

"DHR Services" shall mean all services provided to RTD on and before June 30, 2011, including, but not limited to those services set forth in Exhibit "A," attached hereto and incorporated herein.

"HART Services" shall mean all services forth on Exhibit "B," attached hereto and incorporated herein.

"Additional Services" shall mean all services in the nature of DHR Services that HART may require in the future, including those services set forth in Exhibit "C."

2. Services to RTD. On July 1, 2011, DHR shall cease providing DHR Services to RTD.

3. Services To HART. As of July 1, 2011, DHR shall provide all of the DHR Services to HART, except that:

(a) HART shall assume responsibility for all HART Services, but DHR shall provide such services to HART on an "as needed" basis when requested by HART; and

(b) DHR shall provide the Additional Services at HART's request.

4. Cooperation. The Parties enter into this MOU with the common goal of ensuring the smooth transition from RTD to HART on July 1, 2011, and ensuring HART's ability to concentrate its efforts on the Rail Project. In furtherance of this goal, the Parties agree to make every reasonable effort to cooperate with, and assist, each other.

5. Modification; Duration; Termination. This MOU is to take effect on July 1, 2011, and shall terminate on June 30, 2016, unless extended by DHR and HART. During the term of the MOU, this MOU and its exhibits may be amended by mutual written agreement of DHR and HART.

IN WITNESS WHEREOF, the Parties hereto have executed this Memorandum of Understanding on the day and date first above written.

APPROVED:

DEPARTMENT OF HUMAN RESOURCES

By _____
NOEL T. ONO
Director

DEPARTMENT OF TRANSPORATION SERVICES

By _____
WAYNE Y. YOSHIOKA
Director

HONOLULU AUTHORITY FOR RAPID TRANSPORATION

By _____
Interim Executive Director

EXHIBIT "A"

NON-EXCLUSIVE LIST OF SERVICES PROVIDED BY THE DEPARTMENT OF HUMAN RESOURCES TO THE RAPID TRANSIT DIVISION OF THE DEPARTMENT OF TRANSPORTATION SERVICES ON AND BEFORE JUNE 30, 2011

"DHR Services"

EXHIBIT "B"

LIST OF SERVICES PREVIOUSLY PROVIDED BY THE DEPARTMENT OF HUMAN RESOURCES TO THE RAPID TRANSIT DIVISION OF THE DEPARTMENT OF TRANSPORTATION SERVICES THAT WILL BE ASSUMED BY THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION AS OF JULY 1, 2011

"HART Services"

NONE.

EXHIBIT "C"

LIST OF ADDITIONAL SERVICES TO BE PROVIDED BY THE DEPARTMENT OF HUMAN RESOURCES TO THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION AS OF JULY 1, 2011

"Additional Services"

NONE.

	ACTIVITY	HART RESPONSIBILITY	DHR RESPONSIBILITY
CLASSIFICATION AND PAY			
Organization Structure	Develop HART organization structure	Determine structure and functions of organizational units; determine type and number of positions needed for the organization. Inform DHR/C&P of proposed reorganizations prior to consultation. Provide copies of official updated organization charts to DHR/C&**P** upon approval of reorganizations.	DHR review and comment prior to union consultation.
Civil Service Positions	Review/develop position descriptions (PD's) Classification and pay of civil service positions Possible Delegation Agreement	Review/develop position descriptions (PD's) Determine which positions will be civil service. Delegation: Determine proper allocation for delegated positions/ classes	C&P classifies all non-delegated positions/classes (e.g., BU exclusions, EMCP, new classes) Post audit delegated actions, if necessary
Exempt Positions (not personal services contracts)	DHR Approval Required (except for Executive. Director, Deputy Director(s) and Private Secretaries to Director and Deputy Director)	Justify and seek approval for exemption of positions requiring specialized KSA from DHR, pursuant to RCH. In accordance with RCH Section 6-1103 (k) (2), salaries for these positions shall be set by the public transit authority.	C&P reviews justification and approve/disapprove request for exemption; determine proper BU status.
Exempt Positions – Personal Service Contracts	Current process to continue	Initiate e-form request (CS-C1) for Personal Services Contract	C&P determines compensation reference/ proper BU status

	ACTIVITY	HART RESPONSIBILITY	DHR RESPONSIBILITY
EMPLOYMENT & PERSONNEL SERVICES			
Recruitment	Consider Internal Applicants	Department may post Interdepartmental Competitive Exams (IDCE's) which are delegated to departments.	Certification & Support Services/Examinations Once selectee is recommended for hire, check for existence of priority placement, recall, or intradepartmental lists. Review final selection; Director or EPS Chief approves.
Requisition Recruitment Compensation	Prepare & submit requisition. If no lists exists, proceed with recruitment. Determine if Recruitment Above Minimum (RAM) or shortage category is appropriate.	Department submits requisition via NeoGov. Department determines if selective certification is necessary and whether or not RAM is necessary. Department submits request for Recruitment Above Minimum (RAM) or Shortage implementation, if necessary.	Certification & Support Services/Recruitment Review request for list. Certifies list of eligibles if a list exists; evaluates use of related lists. Determine appropriate recruitment methodology & recruitment period. Evaluates and recommends approval of RAM. Mayor or Director approves RAM request.

	ACTIVITY	HART RESPONSIBILITY	DHR RESPONSIBILITY
Job Announcements	Develop supplemental questions for inclusion in recruitment announcement.	Identify & provide name of subject matter expert.	Examination Determines and develops supplemental questions.
Examination	Conduct job analysis and determine KSAs to be measured in the examination.	Provide subject matter expert.	Examination Conducts job audit, determines how KSAs will be evaluated and develops examination plan.
Advertise Recruitment	Place ad in accordance with civil service rule and notify City departments/agencies..	N.A.	Recruitment Prepares recruitment announcement & notifies City depts/agencies & other relevant entities; works with media on ad contents.
	Application Receipt & Evaluation	N.A.	Recruitment/Certification Receive applications & determine if timely. Evaluate apps for public employment requirements. Award veteran's preference points.
Examination	Examination Process	Provide subject matter expert for review of marginal cases.	Examination Screen applications for MQR's and selective certification requirements, if any.; develops and administers job related examination.

	ACTIVITY	HART RESPONSIBILITY	DHR RESPONSIBILITY
Notification	Send notification of results & list establishment.	N.A.	Certification & Support Services Notify applicants of results, including application of any eligible V.P. points; establishes list.
Challenges	Conduct administrative review, internal complaint, or handle grievance for reject/complaint. Complaint/Appeal/ EEOC Grievance for Rejection, Failure of Written Test	Department to handle or participate as appropriate. Step 1 if there is a grievance. Provide subject matter expert to assist on an as needed basis.	Examination Applicants afforded a 10-day clarification with exam specialist; administrative review with Branch Chief; 20 days from the action date to file a Civil Service Commission appeal. Exam Specialist works with LRT on grievance; with EEO on Hawaii Civil Rights/EEOC complaints.
	Record retention; list maintenance	N.A.	Certification & Support Services Develop procedures for list retention, removal of eligible candidates, extension of lists, cancellations and termination of eligible lists. Applications kept for three years. Examination folders with exam plan, announcement, written tests have 10-year retention period.

	ACTIVITY	HART RESPONSIBILITY	DHR RESPONSIBILITY
Selection Interview	Conduct selection Interview	Develop selection interview factors, rangefinders and questions based on job analysis. Conduct interviews.	DHR to provide assistance as necessary.
Selection Made	Selection processes/clearancesO	Department prepares EOO form; submits suitability clearance request form; schedules medical clearance and/or drug testing appointments (conditional offer must have been made prior to medical exams).	EOO/Health Services/Examination Conducts necessary medical exam. Determines applicant suitability.
Hire	Process employee for hire Prepare	Prepare C2HERPS documents. Enroll new employee in benefit processing and orientation. Compliance with Act 179 (SLH 2008); relates to the rehiring or retirees. Obtain completed residency form from employee. Properly complete I-9 form on a timely basis.	BRATS/Recruitment Conduct audit of transactions. DHR conducts benefits processing and orientation. Audit for compliance with Act 179.

	ACTIVITY	HART RESPONSIBILITY	DHR RESPONSIBILITY
	Designation of Subordinate for Signature authority	Department to submit to DHR	Note and file in departmental folder
Payroll	Certification of payroll	N.A.	DHR director performs
Contracts: CS-C1	Determine if fully qualified by experience and ability	Department's responsibility	N.A.
	Determine compensation reference for contract position	N.A.	C&P
	Determine and approve rate of pay Possible Delegation Agreement	Department makes recommendation based on information about candidate and current employment market conditions Delegation: Determine appropriate rate of pay	C&P, Recruitment Post audit delegated actions, if necessary
	Insert C2HERPS codes	Department task	
	Approve in accordance with Charter	Department submits justification as part of the CS-C1 process	DHR director reviews and approves/disapproves
	Prepare basic contract	Department prepares	

	ACTIVITY	HART RESPONSIBILITY	DHR RESPONSIBILITY
Workers' Compensation	Worker's Compensation Priority placement	Department provides necessary information	Worker's Compensation Division performs
EOY/MOY	Awards program	Department nominates	BRATS
Negotiations/Grievances	Collective Bargaining Agreements	Department provides necessary information	LRT to retain