March 28, 2006

TO: All Department Heads  
FROM: Marie C. Laderta, Director  
SUBJECT: Executive Order 06-03 Granting Adjustments for Elected and Appointed Officials and Civil Service and Exempt Officers and Employees Excluded from Bargaining Units 01, 02, 03, 04, 09, 10, 11 and 13

Enclosed is a copy of an Executive Order to provide adjustments for elected and appointed officials and civil service and exempt officers and employees excluded from Bargaining Units (BU) 01, 02, 03, 04, 09, 10, 11 and 13. The provisions contained in the Executive Order are consistent with:

1. Supplemental Agreements negotiated between the Hawaii Government Employees' Association (HGEA), as the exclusive representative for BUs 02, 03, 04, 09 and 13, and the State regarding mileage reimbursement rates for the period December 1, 2005, through June 30, 2007;

2. A Supplemental Agreement negotiated between the Hawaii Fire Fighters Association (HFFA), as the exclusive representative for BU 11, and the State regarding mileage reimbursement rates for the period December 1, 2005, through June 30, 2007;

3. Supplemental Agreements negotiated between the United Public Workers (UPW), as the exclusive representative for BUs 01 and 10, and the State regarding mileage reimbursement rates for the period December 1, 2005, through June 30, 2007.

In addition, there is an error in Executive Order 05-16 regarding the effective date of the mass pay increase during Fiscal Year 06-07 for Excluded Managerial Compensation Plan (EMCP) employees excluded from BUs 04 and 13. The effective date of the pay increase is reflected as October 1, 2005, but should be October 1, 2006. The effective date is being corrected in this Executive Order.
Please contact Carleton Taketa at 587-1020 if there are any questions regarding the Executive Order.

Enclosure

c: All Departmental Personnel Officers
   HRD Divisions
   AFSCME
   PEMAH
EXECUTIVE ORDER NO. 06-03

WHEREAS, under chapter 89C of the Hawaii Revised Statutes (HRS), the Governor has been granted the authority to make adjustments to the wages, hours, benefits, and other terms and conditions of employment for elected and appointed officials, and public officers and employees in the executive branch who are excluded from collective bargaining coverage; and

WHEREAS, there are excluded public officers and employees within the civil service as well as excluded public officers and employees who are exempted from the civil service; and

WHEREAS, the civil service is comprised of Excluded Managerial Compensation Plan (EMCP) employees and non-EMCP employees; and

WHEREAS, the counterparts for EMCP employees are employees included in the bargaining units from which the EMCP employees are excluded; and

WHEREAS, chapter 89C requires that the adjustments for excluded civil service employees result in compensation and benefit packages that are “at least equal to” the compensation and benefit packages provided under collective bargaining agreements for counterparts and subordinates within the Employer’s jurisdiction; and

WHEREAS, chapter 89C requires that the adjustments shall, to the extent practicable, uniformly apply to every excluded employee within a homogeneous grouping; and

WHEREAS, the State has entered into supplemental agreements with the Hawaii Government Employees' Association (HGEA), as the exclusive representative
for Bargaining Units (BU) 02, 03, 04, 09 and 13, for the period December 1, 2005, through June 30, 2007, regarding mileage reimbursement; and

WHEREAS, the State has entered into a supplemental agreement with the Hawaii Fire Fighters Association (HFFA), as the exclusive representative for BU 11, for the period December 1, 2005, through June 30, 2007, regarding mileage reimbursement; and

WHEREAS, the State has entered into supplemental agreements with the United Public Workers (UPW), as the exclusive representative for BUs 01 and 10, for the period December 1, 2005, through June 30, 2007, regarding mileage reimbursement; and

WHEREAS, based on these supplemental agreements, the Director of Human Resources Development has recommended to the Governor the adjustments to the mileage reimbursement rates specified in this Executive Order for elected and appointed officials and officers and employees within the executive branch who are excluded from BUs 01, 02, 03, 04, 09, 10, 11 and 13; and

WHEREAS, there is an error in Executive Order 05-16 regarding the effective date of the mass pay increase in Fiscal Year 06/07 for EMCP employees excluded from BUs 04 and 13; and

WHEREAS, the Director of Human Resources Development has recommended to the Governor that the error regarding the effective date of the pay increase for EMCP employees excluded from BUs 04 and 13 be corrected; and

WHEREAS, these adjustments should also apply to employees hired on a "temporary appointment outside the list" (TAOL) basis in a civil service position because
these employees are hired on a basis comparable to included TAOL employees receiving adjustments under their collective bargaining agreements.

NOW, THEREFORE, I, Linda Lingle, Governor of Hawaii, pursuant to the provisions of HRS, chapter 89C, do hereby grant to elected and appointed officials and officers and employees who are excluded from BUs 01, 02, 03, 04, 09, 10, 11 and 13 the following adjustments.

REIMBURSEMENTS, ALLOWANCES, AND LIABILITY PAYMENTS

Mileage Reimbursement
[These adjustments are applicable to elected and appointed officials, EMCP employees, non-EMCP civil service employees, and exempt employees excluded from BUs 01, 02, 03, 04, 09, 10, 11 and 13.]

Employees who are authorized to use their private vehicles to carry out their duties and responsibilities shall be reimbursed for each mile traveled for business purposes at the rate of:

1. Forty-eight and one-half cents ($0.485) effective December 1, 2005, through December 31, 2005; and

2. Forty-four and one-half cents ($0.445) effective January 1, 2006, through June 30, 2007.

COMPENSATION

Salaries
[This adjustment supersedes and corrects the Executive Order 05-16 “Salaries” provision covering EMCP employees excluded from BUs 04 and 13 for the period July 1, 2006, through June 30, 2007.]

1. The minimum and maximum rates for EMCP salary ranges shall be increased by three and one-half percent (3.5%) effective October 1, 2006.

2. Employees shall receive Within Range Progression (WIRP) pay increases on their WIRP dates from July 1, 2006, through June 30, 2007.

3. Employees shall receive a three and one-half percent (3.5%) increase effective October 1, 2006.
4. Employees employed on October 1, 2006, who received an overall evaluation of "exceptional" for their performance evaluations for the period July 1, 2005, through June 30, 2006, shall receive a one time lump sum bonus of one percent (1%) of their September 30, 2006, salaries. The bonus does not increase the employees' base pay.

The Director of Human Resources Development shall be responsible for the uniform administration of these adjustments and is authorized to make any interpretations concerning the applicability of these adjustments to State officers and employees of the State government executive branch who are excluded from collective bargaining.

DONE at the State Capitol, Honolulu,

State of Hawaii, this 22nd day of March, 2006.

LINDA LINGLE
Governor of Hawaii

APPROVED AS TO FORM:

MARK J. BENNETT
Attorney General