

LINDA LINGLE
GOVERNOR OF HAWAII



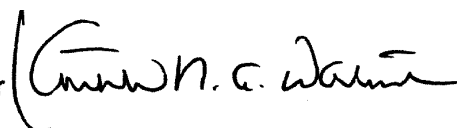
KATHLEEN N. A. WATANABE
DIRECTOR

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DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

January 12, 2004

To: All Department Heads

From: Kathleen N. A. Watanabe, Director 

Subject: Executive Order 03-10, Providing for Alcohol and Drug Testing for Appointed Officials and Employees Excluded From Bargaining Units 02, 03, 04, 09, and 13

We are transmitting for your information and files a copy of Governor Lingle's Executive Order 03-10, dated October 24, 2003. The Executive Order provides for alcohol and drug testing for appointed officials and officers and employees of the Executive Branch, who are excluded from bargaining units 02, 03, 04, 09, and 13.

The alcohol and drug testing program is the same as the program that was negotiated with the Hawaii Government Employees Association (HGEA). It consists of a reasonable suspicion component which is applicable to appointed officials and officers and employees excluded from bargaining units 02, 03, 04, 09, and 13, and a random testing component which is applicable to the incumbents of health, safety and public trust (HSPT) positions.

HSPT positions have a direct impact on public health or safety (i.e. positions which require first responder skills) or positions with a special public trust (e.g., positions in which the incumbent is authorized to carry a weapon). Please submit your recommendations as to which civil service classes of work and individual positions (civil service or exempt) within your department should be designated as HSPT positions subject to the random testing component by January 30, 2004. At this time, the classes Deputy Sheriff I-IV and Conservation and Resource Enforcement Officer I-V are listed as HSPT positions for the HGEA Alcohol and Drug Testing program. Appointed officials in departments with HSPT positions, both through the HGEA program and this program, are automatically subject to the random testing component, and it is recommended that all excluded employees in the chain of command above-designated HSPT positions also be subjected to the random testing component.

EXECUTIVE ORDER NO. 03-10

WHEREAS, section 89C-2 of the Hawaii Revised Statutes (HRS) authorizes the Governor to make adjustments to the wages, hours, benefits, and terms and conditions of employment for public officers and employees within the state government executive branch who are excluded from bargaining units (BUs) 02, 03, 04, 09, and 13, as well as for elected and appointed officials who are not covered by collective bargaining;

WHEREAS, chapter 89C requires that adjustments for non-managerial civil service employees under the same classification systems as employees within the collective bargaining units shall be not less than those provided under the collective bargaining agreements for employees hired on a comparable basis;

WHEREAS, chapter 89C requires that adjustments for excluded employees, other than non-managerial civil service employees, shall, to the extent practicable, uniformly apply to every excluded employee within a homogeneous grouping, but does not preclude variable adjustments based on performance or other job criteria and specific adjustments warranted based on the nature of work performed or working conditions;

WHEREAS, the State, the City and County of Honolulu, the Counties of Hawaii, Maui and Kauai, the Judiciary, and the Hawaii Health Systems Corporation have negotiated a memorandum of agreement with the Hawaii Government Employees Association (HGEA) dated February 14, 2003, regarding drug and alcohol testing;


WHEREAS, chapter 89C requires that the Director of Human Resources Development confer with the personnel directors of other local jurisdictions to ensure

1. Cosmetic changes (e.g. removal of references to HGEA on forms and in other documents) shall be made as deemed appropriate;
2. References to the union, HGEA, HGEA bargaining units, HGEA Memorandum of Agreement or Drug and Alcohol Testing Agreement, collective bargaining agreement(s), consultation, mutual agreement/consent, and the provision of information to the union are not applicable;
3. References to collective bargaining agreement due process rights shall mean executive order provisions;
4. References to grievance provisions shall mean internal complaint procedure/Merit Appeals Board; and
5. References to the "Drug and Alcohol Testing Memorandum of Agreement" or "Agreement" shall to mean this executive order.

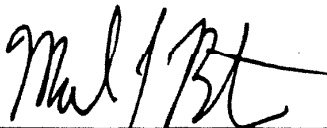
The Director of Human Resources Development shall be responsible for uniform administration of these adjustments and any interpretations concerning the applicability of these adjustments to state officers and employees of the executive branch who are excluded from collective bargaining and to elected and appointed officials.

DONE at the State Capitol, Honolulu,

State of Hawaii, this 24th
day of October, 2003.


LINDA LINGLE SEAL
Governor of Hawaii

APPROVED AS TO FORM:


MARK J. BENNETT
Attorney General