

EXECUTIVE ORDER NO. 23-01

WHEREAS, telework has become an increasingly important employment tool that can fulfill key business needs while helping employees balance their work and quality of life concerns; and

WHEREAS, telework provides a viable alternative work option that departments may utilize to improve program effectiveness and employee productivity and morale; reduce traffic congestion; reduce office space requirements; and effectively continue operations in times of emergency and/or disaster situations; and

WHEREAS, for emergency planning, telework provides a viable alternative work option for employees to increase social distancing between themselves and others in order to minimize their risk of exposure to infection or illness; and

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

WHEREAS, for excluded employees who are civil service employees under the same classification systems as employees within collective bargaining units, HRS chapter 89C requires that the adjustments be "not less than" those provided under the collective bargaining agreements for employees hired on a comparable basis; and

WHEREAS, HRS chapter 89C also 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, HRS chapter 89C provides that each appropriate authority shall determine the adjustments that are relevant for their respective excluded employees who are

exempt from civil service in consideration of the compensation and benefit packages provided for other employees in comparable agencies; and

WHEREAS, the State has entered into a memorandum of understanding with the Hawaii Government Employees Association (HGEA), as the exclusive representative for Bargaining Units (BUs) 2, 3, 4, 9, 13, and 14, to allow for participation in the State's Telework Program; and which terms and conditions have been accepted and ratified by the respective bargaining units; and

WHEREAS, consistent with the agreed-upon terms and conditions the Director of Human Resources Development has recommended to the Governor the adjustments specified in this executive order for civil service and exempt employees within the executive branch who are excluded from BUs 2, 3, 4, 9, 13, and 14.

NOW THEREFORE, I, Josh Green, M.D., Governor of Hawai'i, pursuant to my executive authority under articles V and VII of the Constitution of the State of Hawai'i, the provisions of chapters 37 and chapter 89C, Hawaii Revised Statutes, and all other applicable authority, do hereby order civil service and exempt employees excluded from BUs 2, 3, 4, 9, 13, and 14; and Excluded Managerial Compensation Plan (EMCP) employees excluded from BUs 2, 4, 9, 13, and 14; to participate in the State's Telework Program, should their departments elect to implement the Program, in accordance with the terms and conditions set forth in the agreement between HGEA and the State of Hawai'i; including subsequent agreements unless otherwise specifically stated in executive order.

IT IS FURTHER ORDERED that this executive order does not apply to: (1) employees of public charter schools, the Department of Education and the University of Hawai'i; and (2) those executive branch employees whom I later determine shall not receive the aforementioned adjustments; and

IT IS FURTHER ORDERED that this executive order is not intended to create, and does not create, any rights or benefits, whether substantive or procedural, or enforceable at law or in equity, against the State of Hawai'i or its agencies, departments, entities, employees, or any other person; and

IT IS FURTHER ORDERED that these provisions are subject to amendment by executive order.

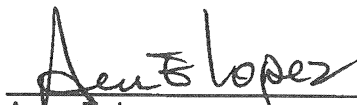
The Director of Human Resources Development shall be responsible for the uniform administration of this executive order and is authorized to make any interpretations concerning the applicability of these adjustments to the employees of the State government executive branch who are excluded from collective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

DONE at the State Capitol, Honolulu,
State of Hawai'i, this 23rd day of
February, 2023.



Josh Green, M.D.
Governor of Hawai'i

APPROVED AS TO FORM:



Anne E. Lopez
Attorney General