

**EXECUTIVE ORDER NO. 16-04**  
**(Civil Service Employees Excluded from Bargaining Unit 13)**

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, for excluded employees who are civil service employees under the same classification systems as employees within collective bargaining units, 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, 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, in accordance with chapter 78-3.5, HRS, an experimental modernization project to pilot a broadbanding classification system for the civil service Information Technology (IT) Specialist series and IT managerial classes was approved by the Governor; and

WHEREAS, the State has entered into a Memorandum of Understanding ("MOU") for the IT Broadbanding Pilot Project with the Hawai'i Government Employees Association (HGEA) as the exclusive representative for Bargaining Unit (BU) 13; 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 employees in the executive branch who are excluded from BU 13.

NOW, THEREFORE, I, David Y. Ige, 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 89C of the Hawaii Revised Statutes, and all other applicable authority, do hereby order, effective August 16, 2016, the following for State executive branch civil service employees who are excluded from BU 13 and employees in the EMCP excluded from BU 13:

- For non-EMCP employees - The same provisions provided to their included BU counterparts under the IT Broadbanding Pilot Project MOU(s) including subsequent MOUs, unless otherwise specifically stated in executive order.
- For EMCP employees – The provisions provided in the experimental modernization project for the Civil Service Information Technology Broadbanding Pilot Project.

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; (2) employees hired for 89 days or less; and (3) those executive branch employees whom I later determine shall not be part of the IT Broadbanding Pilot Project.

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;

IT IS FUTHER 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 30<sup>th</sup> day of  
AUGUST, 2016.



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David Y. Ige  
Governor of Hawai'i

APPROVED AS TO FORM:



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Douglas S. Chin  
Attorney General