

EXECUTIVE ORDER NO. 17- 05
(Civil Service and Exempt Employees Excluded From Bargaining Unit 10)

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, Judiciary, Hawai'i Health Systems Corporation, and City and County of Honolulu have entered into tentative agreements with the United Public Workers (UPW), as the exclusive representative for Bargaining Unit (BU)

10 for the collective bargaining agreement covering July 1, 2017 through June 30, 2021;
and

WHEREAS, HRS section 76-1(3) provides that the human resource program be administered to provide incentives for competent employees within the service, whether financial or promotional opportunities and other performance based group and individual awards that encourage continuous improvement to achieve superior performance; and

WHEREAS, HRS chapter 89C provides for variable adjustments based on performance or other job criteria and further allows for specific adjustments based on the nature of work performed or working conditions; and

WHEREAS, HRS section 76-22.5 provides for the Director of Human Resources Development to seek continuous improvements to streamline the recruitment process including developing efficient alternatives to ensure the availability of qualified applicant pools; 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 BU 10.

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 July 1, 2017 through June 30, 2021, the

following for civil service and exempt employees excluded from BU 10 and Excluded Managerial Compensation Plan (EMCP) employees excluded from BU 10.

1. **Salaries**
Adjustments for non-EMCP civil service and exempt employees excluded from BU 10 (Attachment A)
2. **Pay Schedule**
Pay schedule for BU 10 excluded civil service positions (Exhibits 1 – 4)
3. **Compensation Adjustments**
This section is applicable to civil service and exempt employees excluded from BU 10 (Attachment B)
4. **Compensation Programs**
Compensation programs for EMCP employees excluded from BU 10 (Attachment C).

This is the same EMCP Compensation Program provided to EMCP employees excluded from BUs 2, 4, 9 and 13 in Executive Order 17-02; and BU 11 in Executive Order 17-03.

IT IS FURTHER ORDERED that this executive order does not apply to:

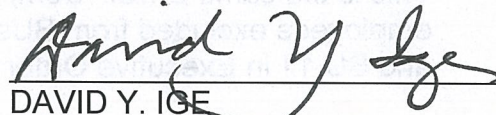
(1) employees of public charter schools, the Department of Education and the University of Hawai'i; (2) employees hired for 89 days or less; and (3) those executive branch employees whom I later determine shall not receive the aforementioned adjustments; and

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 27th day of
September, 2017.



DAVID Y. IGE
Governor

APPROVED AS TO FORM:



✓ DOUGLAS S. CHIN
Attorney General

This adjustment is applicable to non-EMCP civil service and exempt employees excluded from BU 10.

Bargaining Unit 10
TENTATIVE AGREEMENT
Employer AKN
Union UAW
Date 8/2/17

Delete existing language in its entirety and replace with the following

SECTION 23. WAGES.

23.01 PREFIX DESIGNATION.

The pay grades of Institutional, Health and Correctional salary schedules shall have a prefix designation of AM, CO and HE and designated on three (3) separate salary schedules.

23.02 SALARY ADJUSTMENTS.

Subject to the approval of the respective legislative bodies:

23.02 a. Effective July 1, 2017, the Institutional, Health and Correctional salary schedules in effect on June 30, 2017 shall continue to be in effect through September 30, 2017. Such schedules shall be designated as Exhibit 1, Exhibit 2, and Exhibit 3. Employees shall be assigned from their existing pay range and step to the corresponding pay range and step in Exhibit 1, Exhibit 2, or Exhibit 3.

Effective July 1, 2017, Employees not administratively assigned to the salary schedule shall continue to receive their June 30, 2017 basic rate of pay.

23.02 b. Effective October 1, 2017, Exhibit 1, Exhibit 2, and Exhibit 3 shall reflect a two percent (2%) per month across-the-board increase and shall be designated as Exhibit 1-A, Exhibit 2-A, and Exhibit 3-A, respectively. Employees shall then be placed on the corresponding pay range and step of the respective salary schedule.

Effective October 1, 2017, Employees not administratively assigned to the salary schedule shall receive a two percent (2%) per month increase.

23.02 c. Effective July 1, 2018, Employees on Step A and Step B who meet the requirements for Developmental Career Plan (DCP) movements in accordance with Paragraph 23A.20 of Section 23A., Compensation Adjustments, shall move to the appropriate step on July 1, 2018.

Effective July 1, 2018, Employees at the maximum Step C as of June 30, 2018 and Employees not administratively assigned to the salary schedule shall receive a one-time lump sum payment equivalent to four percent (4%) of the individual employee's annual basic rate of pay. Employees

who are less than full-time shall receive a prorated amount of this lump sum payment.

Employees who become eligible for DCP movements during the period July 2, 2018 to June 30, 2019 in accordance with Paragraph 23A.20 of Section 23A., Compensation Adjustments, shall move to the appropriate step on their DCP movement date.

23.02 d. Effective April 1, 2019, Exhibit 1-A, Exhibit 2-A, and Exhibit 3-A shall reflect a one and thirty-five one hundredths percent (1.35%) per month across-the-board increase and be designated as Exhibit 1-B, Exhibit 2-B, and Exhibit 3-B, respectively. Employees shall then be placed on the corresponding pay range and step of the respective salary schedule.

Effective April 1, 2019, Employees not administratively assigned to the salary schedule shall receive a one and thirty-five one hundredths percent (1.35%) per month increase.

23.02 e. Effective July 1, 2019, Exhibit 1-B, Exhibit 2-B, and Exhibit 3-B shall reflect a two percent (2%) per month across-the-board increase and be designated as Exhibit 1-C, Exhibit 2-C, and Exhibit 3-C, respectively. Employees shall then be placed on the corresponding pay range and step of the respective salary schedule.

Effective July 1, 2019, Employees not administratively assigned to the salary schedule shall receive a two percent (2%) per month increase.

23.02 f. Effective July 1, 2020, Exhibit 1-C, Exhibit 2-C, and Exhibit 3-C shall reflect a two percent (2%) per month across-the-board increase and be designated as Exhibit 1-D, Exhibit 2-D, and Exhibit 3-D, respectively. Employees shall then be placed on the corresponding pay range and step of the respective salary schedule.

Effective July 1, 2020, Employees not administratively assigned to the salary schedule shall receive a two percent (2%) per month increase.

This adjustment is applicable to non-EMCP civil service and exempt employees excluded from BU 10.

Bargaining Unit 10
TENTATIVE AGREEMENT
Employer OKN
Union UAW
Date 8/2/17

SECTION 23A. COMPENSATION ADJUSTMENTS.

23A.01 GENERAL PROVISIONS.

23A.01 a. through 23A.01 a.3. No change to existing language.

23A.01 b. BASIC RATE OF PAY.
The term “basic rate of pay” means:

23A.01 b.1. The rate of pay assigned to the pay grade and step an Employee is receiving as compensation, or

23A.01 b.2. For an Employee whose position is not assigned to a pay grade, “basic rate of pay” shall mean the actual rate of compensation the Employee is receiving as remuneration for services performed in a particular position, not including any differentials.

23A.01 c. EFFECTIVE DATES.
When the effective dates of more than one personnel action coincide, pay adjustments shall be made in the following order:

23A.01 c.1. Developmental-Career Plan~~[Negotiated wage increase]~~.

23A.01 c.2. Negotiated wage increase~~[Changeover to a new pay schedule]~~.

23A.01 c.3. Changeover to a new pay schedule~~[Repricing]~~.

23A.01 c.4. Repricing~~[Promotion]~~.

23A.01 c.5. Promotion~~[Reallocation]~~.

23A.01 c.6. Reallocation~~[Other personnel actions]~~.

23A.01 c.7. Other personnel actions.

23A.01 d. through 23A.18 a.3. No change in existing language.

23A.19 PERMANENT DIFFERENTIAL PAY.

23A.19 a. Section 23A.19 shall be applicable to an Employee with a Permanent Differential (PD) pay. The amount of PD shall be as provided in Section 23.

23A.19 b. The PD shall not be considered part of an Employee's basic rate of pay.

23A.19 c. The PD shall not be affected by a salary adjustment, promotion, demotion, reallocation of the Employee's position or repricing of the class to which the Employee's position is assigned but shall be continued in the new pay grade.

23A.20 DEVELOPMENTAL-CAREER PLAN (DCP).

23A.20 a. All DCPs under this Section shall be subject to the approval by the respective legislative bodies and Section 23. Wages.

23A.20 b. For the purpose of this Section, an Employee shall be granted a DCP as follows:

23A.20 b.1. Employees on Step A shall move to Step B upon satisfactory completion of their probationary period in the same class; provided that the effective date of the move to Step B shall be adjusted for authorized leaves of absence without pay in accordance with 23A.20 d.2. below.

Employees who are on Step A but not serving a probationary period shall move to Step B upon satisfactory completion of a period equivalent to the probationary period required for the class.

23A.20 b.2. Employees on Step B shall move to Step C upon satisfactory completion of one (1) continuous year of creditable service on Step B in the same class; provided that the effective date of the move to Step C shall be adjusted for authorized leaves of absence without pay in accordance with 23A.20 d.2. below.

23A.20 c. In determining creditable service for DCP, the following shall apply:

23A.20 c.1. Service shall include employment in the same class, with any Employer jurisdiction in the bargaining unit or which would have been included in the bargaining unit were it not excluded therefrom, provided there is no break in service.

23A.20 c.2. "Break in service" for purposes of this Section means a separation from service or a permanent movement out of the bargaining unit; provided that a new appointment on the next consecutive work day in the bargaining unit shall not constitute a break in service.

23A.20 d. AUTHORIZED LEAVES OF ABSENCE

23A.20 d.1. All authorized leaves of absence with pay shall be used for computing continuous length of creditable service.

23A.20 d.2. Authorized leaves of absence without pay shall not constitute a break in service and shall not be used for computing continuous length of creditable service; provided that the following types of leave without pay shall be creditable:

23A.20 d.2.a) Workers' Compensation

23A.20 d.2.b) Military

23A.20 d.2.c) Sabbatical

23A.20 e. SUSPENSIONS AND UNAUTHORIZED ABSENCES.

Suspensions including unauthorized leaves in lieu of suspension that are upheld shall not constitute a break in service and shall not be used for computing continuous length of creditable service.

23A.20 f. MOVEMENTS/REALLOCATION/REPRICING.

An Employee whose class changes as a result of a personnel action and who is placed on Step A or Step B shall be credited with service beginning from the effective date of the personnel action.

COMPENSATION PROGRAMS

Applicable to EMCP employees excluded from BU 10

All current and future costs of the compensation programs below shall be accommodated from existing program budget allocations and shall not require or serve as the sole basis for future supplemental program budget requests. Certification of availability of funds is required.

The Director of Human Resources Development will issue additional policies and procedures that shall be used in conjunction with the policies below.

The following EMCP pay programs shall continue beyond June 30, 2021 or until modified by a successor executive order.

A. Performance Bonus

(This section supersedes section B. Performance Bonus in EO 15-02)

1. Effective October 1 of each year, Employees employed on October 1, who receive an overall evaluation of "Exceptional" on their annual EMCP Performance Evaluations for the immediately preceding fiscal year, may receive a one-time lump sum bonus of two percent (2%) of their June 30 annual basic rate of pay. The bonus shall not increase the Employees' base pay.
2. The Employee must have occupied an EMCP position for at least six months of the applicable July 1 to June 30 evaluation period to be eligible for the performance bonus.
3. If the Employee occupied an EMCP position for at least six months, but less than twelve months, the bonus shall be prorated on the basis of the number of whole months (drop fractions of a month) the Employee occupied an EMCP position.
4. If the Employee was compensated at different EMCP salary ranges during the evaluation period, the amount of the bonus shall be prorated based on the highest salary at each level, based upon the number of months at each level. In the event of the fractions of a month, round to the nearest whole month, not to exceed a total of twelve months.
5. The bonus shall not be applied to Employees retroactively reallocated to EMCP classifications from non-EMCP classifications.

B. Professional Growth In-Grade Compensation Adjustment

(Effective October 1, 2017, this section supersedes section C. In-Grade Compensation Adjustment for Increase in the Scope and Complexity of Work in EO 15-02)

1. Effective October 1, 2017, a four percent (4%) professional growth in-grade compensation adjustment, not to exceed the maximum of the salary range, may be authorized by the appointing authority for the following:
 - a. Increased Scope and Complexity of Work
 - 1) This adjustment is for employees whose scope and complexity of work has expanded, but remains characteristic of their existing pay range.

It may be used when there is a significant change in responsibilities, an addition to the predominant duties of the position, or a new significant function is added. The significant change must be substantial as demonstrated in an increase in the accountability; critical thinking; problem solving; decision making; knowledge, skills and expertise; and/or communication skills of the employee.
 - 2) An increase in workload shall not be a basis for an in-grade compensation adjustment.
 - b. Increased Competencies
 - 1) Professional growth of an employee as demonstrated on an on-going basis in increased skills, knowledge, abilities, etc.
 - 2) Consideration may be given to the attainment of additional training or certification relevant to the area of professional specialization where the employee demonstrates application of the newly gained professional skills, knowledge and expertise in the performance of his/her duties and responsibilities.
2. Professional growth in-grade adjustment shall be limited to once every 12 months from the last in-grade adjustment. The appointing authority may, on an exception and special circumstance basis, waive the 12 month requirement with documented supporting rationale; provided the exception shall occur no earlier than 6 months after the last adjustment.

D. Retention Adjustment

(Effective October 1, 2017, this section supersedes Retention Adjustments Under the Flexible Hiring Rates Program in EO 13-03.)

1. Effective October 1, 2017, a retention adjustment may be authorized by the appointing authority, not to exceed the maximum of the salary range, to retain a key employee who has received a bona fide job offer and whose knowledge, skills, abilities and competencies are critical to the department's operations.
2. The bona fide job offer must be in writing and include the salary information.
3. The employee must have at least a satisfactory performance rating on the last evaluation period.
4. A counteroffer may be made, provided that:
 - a. It shall not be greater than the amount of the job offer from the other employer or agency, and
 - b. It shall not exceed the maximum of the employee's pay range.

E. Internal Alignment Adjustment

(Effective October 1, 2017, this section supersedes Equity Adjustments for Existing Employees in EO 13-03.)

Effective October 1, 2017, an internal alignment adjustment may be authorized by the appointing authority, not to exceed the maximum of the salary range, to adjust the pay rate of an existing employee when it is determined that the employee's rate of pay is significantly less than one or more employees in the same or lower pay grade who have similar responsibilities. Compensation adjustments shall be based on a comparison of the employees' education, training, experience, knowledge, skills, abilities and competencies.

F. Flexible Hiring Rates

(Effective October 1, 2017, this section supersedes Transfers and Promotions Under the Flexible Hiring Rates Program in EO 13-03.)

1. Effective October 1, 2017, the appointing authority may authorize a hiring rate for an EMCP candidate based on the DHRD salary matrix. The salary matrix is used to score the individual's education, work experience, and work performed; to determine the employee's salary.

2. In exceptional cases, when the salary determined by the salary matrix points does not adequately account for the individual's credentials, the appointing authority may authorize a higher salary, provided appropriate documentation and justification is given for the additional credentials, and the salary does not exceed the salary range maximum.
3. At the discretion of the appointing authority, the pay for an existing EMCP employee who is transferred or promoted to a vacant position, may be determined using the DHRD salary matrix, provided the salary shall not be less than the amount the employee would have customarily received if compensated according to existing compensation adjustment language in the applicable executive order, rules, or policies and procedures.

State of Hawaii
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
SALARY SCHEDULE FOR EXCLUDED EMPLOYEES

Exhibit 1

Effective Date: 10/01/2017

Bargaining Unit: 70, 90 Institutional, Health and Correctional Workers (Excluded from BU 10)

The CO01 to CO09 pay rates shall be the same as the pay rates for included employees.

		Step A	Step B	Step C
CO10	ANN	70,416	73,560	76,668
	MON	5,868	6,130	6,389
	8HR	270.80	282.96	294.88
	HRLY	33.85	35.37	36.86
CO11	ANN	73,560	76,668	80,088
	MON	6,130	6,389	6,674
	8HR	282.96	294.88	308.00
	HRLY	35.37	36.86	38.50

State of Hawaii
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
SALARY SCHEDULE FOR EXCLUDED EMPLOYEES

Exhibit 2

Effective Date: 04/01/2019

Bargaining Unit: 70, 90 Institutional, Health and Correctional Workers (Excluded from BU 10)

The CO01 to CO09 pay rates shall be the same as the pay rates for included employees.

		Step A	Step B	Step C
CO10	ANN	71,364	74,556	77,700
	MON	5,947	6,213	6,475
	8HR	274.48	286.72	298.88
	HRLY	34.31	35.84	37.36
CO11	ANN	74,556	77,700	81,168
	MON	6,213	6,475	6,764
	8HR	286.72	298.88	312.16
	HRLY	35.84	37.36	39.02

State of Hawaii
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
SALARY SCHEDULE FOR EXCLUDED EMPLOYEES

Exhibit 3

Effective Date: 07/01/2019

Bargaining Unit: 70, 90 Institutional, Health and Correctional Workers (Excluded from BU 10)

The CO01 to CO09 pay rates shall be the same as the pay rates for included employees.

		Step A	Step B	Step C
CO10	ANN	72,792	76,044	79,260
	MON	6,066	6,337	6,605
	8HR	280.00	292.48	304.88
	HRLY	35.00	36.56	38.11
CO11	ANN	76,044	79,260	82,788
	MON	6,337	6,605	6,899
	8HR	292.48	304.88	318.40
	HRLY	36.56	38.11	39.80

State of Hawaii
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
SALARY SCHEDULE FOR EMPLOYEES EXCLUDED FROM BU 10

Exhibit 4

Effective Date: 07/01/2020

Bargaining Unit: 70, 90 Institutional, Health and Correctional Workers (Excluded from BU 10)

The CO01 to CO09 pay rates shall be the same as the pay rates for included employees.

		Step A	Step B	Step C
CO10	ANN	74,244	77,568	80,844
	MON	6,187	6,464	6,737
	8HR	285.52	298.32	310.96
	HRLY	35.69	37.29	38.87
CO11	ANN	77,568	80,844	84,444
	MON	6,464	6,737	7,037
	8HR	298.32	310.96	324.80
	HRLY	37.29	38.87	40.60