

EXECUTIVE ORDER NO. 22-08
(Exempt Employees Converting to Replacement Civil Service Positions in the EMCP)

WHEREAS, under chapter 89C of the Hawaii Revised Statutes, 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, 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, Act 253, SLH 2000, required a review of exempt positions in the State and specifies that the "manner for setting the compensation of incumbents upon their inclusion in the classification system shall be fair and equitable in comparison to the compensation of other incumbents with comparable experience in the same or essentially similar classes;" and

WHEREAS, consistent with the salary adjustments provided for civil service Excluded Managerial Compensation Plan (EMCP) positions, the Director of Human Resources Development has recommended to the Governor the adjustments specified in this Executive Order for exempt excluded employees within the executive branch who are being converted to replacement civil service positions in the EMCP.

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 November 1, 2022, the following:

Exempt employees who are converting to replacement civil service positions in the EMCP shall use the EMCP salary matrix form from *Policy and Procedure 201.010 Compensation Programs for Excluded Managerial Compensation Plan Employees (Attachment B)* to calculate appropriate salaries for conversions. The appointing authority in conjunction with the departmental human resources office shall carefully consider internal alignment with existing employees within the respective division/department when reviewing and approving salaries for these conversions from exempt to civil service. (Note: This executive order supersedes Executive Order 15-03, which specified exempt to civil service EMCP conversions.)

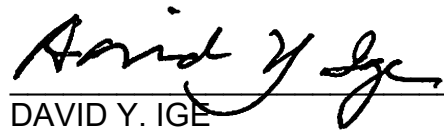
IT IS FURTHER ORDERED that this executive order does not apply to: (1) employees of public charter schools, the Department of Education and the University of Hawai'i; (2) 89-day non-civil service appointments and exempt appointments less than or equal to 89 days; and (3) those executive branch employees 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 1st day of
December, 2022.



DAVID Y. IGE
Governor

APPROVED AS TO FORM:



Holly T. Shikada
Attorney General