

## EXECUTIVE ORDER NO. 13 - 03

WHEREAS, under chapter 89C of the Hawai'i 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, under chapter 76, section 22.5 of the HRS, the Director of Human Resources Development is authorized to adopt rules in accordance with sections 76-1 and 78-1 to determine, establish, and maintain the manner in which civil service positions are to be filled, and to seek continuous improvements to streamline the recruitment process so that positions are filled in the most economic, efficient, and expeditious manner possible; and

WHEREAS, pursuant to section 76-22.5 of the HRS, a new program has been initiated by the Department of Human Resources Development to authorize flexible hiring rates for civil service appointments resulting from open-competitive recruitments for Excluded Managerial Compensation Program (EMCP) positions; and

WHEREAS, the flexible hiring rates program includes a component applicable to current EMCP employees, as detailed in the program's policy and guidelines; and

WHEREAS, this Executive Order is necessary to implement the program with respect to current employees;

NOW, THEREFORE, I, Neil Abercrombie, 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 HRS, and all other applicable authority, do hereby authorize, effective April 15, 2013, the following compensation adjustments for civil service EMCP employees within the Executive Branch (not including the Department of Education/Board of Education or public charter schools):

### **Compensation Adjustments**

#### **Transfers and Promotions Under the Flexible Hiring Rates (FHR) Program**

At the discretion of the appointing authority, the pay of an existing employee *may* be adjusted up to the maximum authorized hiring rate as determined under the guidelines of the flexible hiring rates policy; provided the employee meets the eligibility criteria and has excess creditable experience as described in the FHR guidelines and the amount the employee receives 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.

#### **Equity Adjustments for Existing Employees**

An equity adjustment *may* be used at the discretion of the appointing authority to match the base pay (and shortage differential (SD), if applicable) of an existing employee to the base pay (and SD) of the individual appointed under the flexible hiring rates policy, provided the employee meets the requirements as described in the FHR guidelines.

#### **Retention Adjustments Under the Flexible Hiring Rates Program**

A retention adjustment *may* be used at the discretion of the appointing authority to counteroffer and match the base pay (and SD, if applicable) of an official job offer that the employee has received under the flexible hiring rates policy, provided the employee meets the requirements as described in the FHR guidelines .

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 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 employees of the State government executive branch.

DONE at the State Capitol, Honolulu,  
State of Hawai'i, this 16<sup>th</sup> day of  
April, 2013.

  
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NEIL ABERCROMBIE  
Governor

APPROVED AS TO FORM:

  
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DAVID M. LOUIE  
Attorney General