

EXECUTIVE ORDER NO. 09-09

WHEREAS, Executive Order No. 09-07 imposes a furlough for the period October 16, 2009 through June 30, 2011 on certain Executive Branch employees; and

WHEREAS, the total amount of furlough days and pay adjustments imposed on employees who are exempt from civil service and excluded from collective bargaining, and whose salaries have been reduced as a consequence of salary adjustments imposed by Act 85, Session Laws of Hawaii 2009, should be comparable to furlough days imposed on other Executive Branch employees;

NOW, THEREFORE, I, Linda Lingle, Governor of Hawaii, pursuant to my executive authority under Articles V and VII of the Constitution of the State of Hawaii, the provisions of Chapters 37 and 89C, Hawaii Revised Statutes, and all other applicable authority, do hereby order the amendment of #10 in Executive Order No. 09-07 to read as follows:

- "10. Notwithstanding the foregoing, the number of furlough days for employees identified in this #10 shall be one day per month, commencing March 1, 2010 and continuing through June 30, 2011. Employees covered by this #10 are those employees who are exempt from civil service and excluded from collective bargaining:
- (a) identified as position numbers 100680, 100694, 102616, 102258, 100545, 100954, 100955, 100953, 102462, 101981, 100978, 100980, 100979, 100353, 100354, 100366, 100449, 100450, 100451, 108002, 104167, 118036, 102005, 101611, 100690 and 106012;
- and
- (b) whose incumbents' annual salaries have been reduced as a consequence of salary adjustments imposed by Act 85, Session Laws of Hawaii 2009.

The pay of employees described in this #10, will be automatically adjusted each pay period to account for the directed furlough day(s), with the pay of full-time employees adjusted by the equivalent of one-half day (i.e., four (4) hours) per pay period. Employees who work other than a normal eight hour workday (e.g., 4 day/10-hour

alternative workweek) shall be required to use vacation, compensatory time off, or work to make up the difference between the eight-hour furlough day and the actual hours the employee was scheduled to work. However, the department head has the discretion to allow employees to take their entire alternative workday (e.g., ten (10) hours) as a furlough day, provided that the number of furlough hours per month for full-time employees remains at eight (8) hours.

Employees who are exempt from civil service and excluded from collective bargaining that do not satisfy both (a) and (b) above shall be subject to the number of furlough days as set forth in this Executive Order commencing on October 16, 2009."

IT IS FURTHER ORDERED that Executive Order No. 09-07 shall remain in full force and effect as amended herein.

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 Hawaii or its agencies, departments, entities, officers, employees, or any other person; and

IT IS FURTHER ORDERED that these provisions are subject to amendment by Executive Order.

IT IS FURTHER ORDERED that this Executive Order No. 09-09 is effective retroactive to October 16, 2009.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 3rd day of
November, 2009.

[Signature]
for LINDA LINGLE
Acting Governor of Hawaii

JAMES R. AIONA JR.
ACTING GOVERNOR

SEAL

APPROVED AS TO FORM:
[Signature]
MARK J. BENNETT
Attorney General