

EXECUTIVE ORDER NO. 09-04

WHEREAS, in the past year, the widespread impact of the global financial crisis and constantly decreasing revenue projections by the Council on Revenues have forced the State of Hawaii to make drastic and unprecedented revenue and expenditure adjustments to close a budget shortfall of approximately two billion eight hundred million dollars (\$2,800,000,000) through the fiscal biennium 2009-2011; and

WHEREAS, to cover the shortfall in the past year, a number of budgetary actions were taken; and

WHEREAS, based on the actual tax revenues through June 30, 2009 coupled with future biennium projections by the Council on Revenues, the State of Hawaii is now facing an additional deficit of seven hundred eighty-six million dollars (\$786,000,000) through the fiscal biennium 2009-2011, resulting in an immediate fiscal emergency of unparalleled magnitude;

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 furlough of the Executive Branch officials identified in Act 85, Session Laws of Hawaii 2009 (the governor, the lieutenant governor, and the department heads or executive officers and the deputies or assistants to the department heads or executive officers of: the departments of accounting and general services; agriculture; attorney general; budget and finance; business, economic development and tourism; commerce and consumer affairs; defense; Hawaiian home

lands; health; human resources development; human services; labor and industrial relations; land and natural resources; public safety; taxation; and transportation) of two days per month, commencing August 1, 2009 and continuing through June 30, 2011, in accordance with the following terms and conditions:

1. "Furlough" means the placement of an employee temporarily and involuntarily in a non-pay and non-duty status by the Employer because of lack of work or funds, or other non-disciplinary reasons.
2. Furloughed employees' pay will be automatically adjusted each pay period to account for the directed furlough day(s), with the pay of furloughed employees adjusted by the equivalent of one day per pay period.
3. Furloughed employees will have flexibility to designate their furlough days and will be free to accumulate furlough days and take them in combined periods, subject to my approval.


IT IS FURTHER ORDERED that the furloughs ordered herein shall not cause or be deemed to cause:


1. A break of continued service in a furloughed employee's employment;
2. A decrease in the Employer's contribution to the Hawaii employer-union health benefits trust fund;
3. A change in the amount of vacation or sick leave earned by furloughed employees; or
4. A decrease in the furloughed employee's length of service for purposes of the employee's pension, retirement, and deferred compensation plans.

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

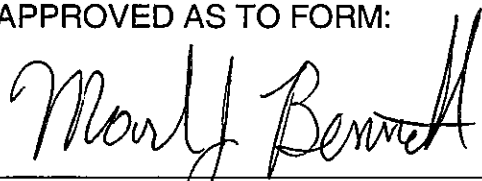
IT IS FURTHER ORDERED that these provisions are subject to amendment by Executive Order.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 16th day of
July, 2009.


LINDA LINGLE
Governor of Hawaii



APPROVED AS TO FORM:


MARK J. BENNETT
Attorney General