

Prepared by the Office of Human Resources.
This replaces Administrative Procedure No. A9.840
dated July 1982.

January 1997

SEPARATION FROM SERVICE

A9.840 WORK FORCE REDUCTION FOR CIVIL SERVICE EMPLOYEES

1. Purpose

To establish procedures for implementing work force reduction of regular State civil service employees.

2. Definition

Regular Civil Service Employee: An employee who has been appointed to a position in the civil service in accordance with Chapter 76, HRS, and who has successfully completed his/her initial probational period or as provided by statute.

3. Objective

To systematically effect the layoff of civil service employees, and to place and reemploy, to the extent possible, those regular State civil service employees affected by work force reduction processes.

4. Applicability

This instruction applies to all regular State civil service employees of the University who are to be terminated because of lack of funds, lack of work, abolishment of position or displacement by another employee.

5. Responsibility

The following offices are responsible for implementing the work force reduction process:

a. Division/College/School

Notify the University Office of Human Resources (OHR) via the respective Chief Executive Campus Officer or Official Designee when there is an impending work force reduction of regular State civil service employees. Notice to the OHR must be given at least thirty (30)

days prior to the required time limitation imposed by the applicable bargaining unit agreement provisions.

NOTE: Time limitation on notification does not apply to federally funded positions in Bargaining Units 03, 09, and 10 when the departments had insufficient notice from the federal government to meet the time requirements.

b. University Office of Human Resources

Implement the procedures in coordination with the Department of Human Resources Development (DHRD).

c. Unions are notified and may represent the affected employee(s).

6. References

a. Section 76-16 HRS, Civil Service Exemptions

b. Section 76-22.5 HRS, Filling Vacancy

c. Section 76-25 HRS, Reemployment and Recall List

d. Section 76-43 HRS, Layoff

e. Section 89.6(a) HRS, Regarding Bargaining Unit Designations

f. Section 89C-2 HRS, Adjustments Authorized; Limitations, Restrictions

g. Section 89C-3 HRS, Adjustments for Officers and Employees covered by Chapter 77, Collective Bargaining Agreements

h. Executive Order No. 95-01, dated July 31, 1995 (Attachment 1).

7. Procedures

Refer to the DHRD Reduction In Force (RIF) Guidelines, dated July 31, 1995. These guidelines assist the State departments in applying the RIF provisions that are set forth in the appropriate bargaining unit contracts, Executive Order No. 95-01, and Title 14, Administrative

Rules, Chapters 6, 8 and 14 of the State Personnel Rules.

8. Related Documents

The RIF Guidelines are available on the World Wide Web (WWW) at the Office of Human Resources Home Page under the topic Electronic Document Distribution.



EXECUTIVE CHAMBERS
HONOLULU

BENJAMIN J. DAYETANO
GOVERNOR

EXECUTIVE ORDER NO. 95 - 01

WHEREAS, HRS Chapter 89C authorizes the Chief Executives of the State and Counties, the Board of Education, the Board of Regents, the Auditor, the Director of the Legislative Reference Bureau, the Ombudsman, and the Chief Justice of the Supreme Court to make adjustments in the compensation, hours, terms and conditions of employment, and other benefits for public officers and employees who are excluded from collective bargaining coverage under HRS Chapter 89;

WHEREAS, HRS Chapter 89C provides that adjustments for excluded officers and employees covered by HRS Chapter 77 be decided by a majority vote of the Directors of Personnel Services of the State and Counties, who shall serve as representatives of their respective Chief Executives, and the Administrative Director of the Courts, who shall serve as the representative of the Chief Justice;

WHEREAS, HRS Section 89C-2(1) requires that adjustments for excluded officers and employees under the same compensation plans as officers and employees within collective bargaining units be not less than those provided under collective bargaining units for officers and employees hired on a comparable basis;

WHEREAS, HRS Section 89C-2(2) requires that adjustments for excluded officers and employees in the Excluded Managerial Compensation Plan (EMCP) be not less than those provided under collective bargaining to officers and employees in the professional and

scientific employees bargaining unit:

WHEREAS, HRS Chapter 89C further requires that adjustments and their effective dates for excluded officers and employees covered by HRS Chapter 77 be uniform among the jurisdictions:

WHEREAS, HRS Chapter 89C requires that the representatives of the State, the Counties, and the Judiciary confer prior to submitting to their respective Chief Executives and the Chief Justice recommendations on adjustments for excluded officers and employees not covered by HRS Chapter 77,

WHEREAS, HRS Chapter 89C further provides that adjustments and their effective dates for excluded officers and employees not covered by HRS Chapter 77 be uniform, if practicable, among the jurisdictions:

WHEREAS, the aforementioned representatives of the State, the Counties, and the Judiciary voted and conferred in accordance with HRS Chapter 89C on the recommended adjustments for excluded officers and employees, which are being submitted to their respective Chief Executives and the Chief Justice;

WHEREAS, HRS Chapter 76 establishes in the State and each of the counties a system of personnel and administration for public officers and employees which system of personnel administration is commonly referred to the civil service system;

WHEREAS, HRS Chapter 89 allows for joint decision-making and collective bargaining between the employer and the exclusive representative;

WHEREAS, for purposes of a reduction in force, civil service employees included in collective bargaining are subject to the applicable collective bargaining provisions as negotiated between the public employer and the exclusive representative;

WHEREAS, these collective bargaining provisions generally restrict the bumping of an employee to the same class, the related class and the related series;

WHEREAS, civil service employees excluded from collective bargaining are covered by personnel rules and HRS Chapter 89C;

WHEREAS, HRS Section 76-3 expresses the legislative intent that the civil service system "be as uniformly administered as is practicable";

WHEREAS, for purposes of a reduction in force and layoffs, civil service employees excluded from collective bargaining are not accorded benefits at least equal to civil service employees included in collective bargaining hired on a comparable basis because the personnel rules with respect to layoffs do not limit bumping to positions within a specific excluded unit or to the same or related class;

NOW, THEREFORE, I, Benjamin J. Cayetano, Governor of the State of Hawaii, pursuant to the provisions of HRS Chapters 76 and 89C, do hereby grant to state officers and employees in the executive branch who are civil service employees excluded from the bargaining units noted, applicable adjustments effective on the date specified below:

The procedures and the benefits pertaining to reduction in force and layoffs for excluded employees with respect to placement order, bumping rights and the right to be placed on the appropriate recall list shall be not less than those provided for their included counterparts and


shall be confined to positions within a specific excluded unit.

The Director of the Department of Human Resources Development shall be responsible for administering the reduction in force and layoff process, procedures and adjustments under the executive order, including the determination of positions for inclusion in the EMCP, and any interpretation concerning the applicability of such adjustments to State officers and employees in the executive branch who are excluded from collective bargaining coverage.

DONE at the State Capitol
Honolulu, Hawaii this 31st
day of July, 1995.


BENJAMIN J. CAYETANO
Governor of Hawaii

APPROVED AS TO FORM:


MARGER Y S. BRONSTER
Attorney General
State of Hawaii