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Aloha Senate Special Committee on Covid-19,

I am transmitting for your review my response to your Request for Information dated April 1, 2020. As noted in my email of April 1, 2020 I plan to attend the Special Committee Hearing via GoToMeeting or call in.

Thank you for the opportunity to provide information and testimony.

Ryker

Crisis Categorization of State Workers

A definition of the three categories of workers during this emergency period: (1) essential, (2) non-essential who are teleworking, and (3) non-essential and not teleworking.

For social distancing purposes, government employees shall fall into 3 categories:

1. Essential-function employees as determined by the Department they are employed by;
2. Employees who have non-essential functions and can work remotely via telework; and
3. Employees who have non-essential functions and cannot work remotely via telework or otherwise.

It is recommended that those that fall into Group 1 shall report to work as directed by their supervisor. Those that fall into group 2 shall arrange telework with their departments and continue their regular duties remotely. Those that fall into group 3 shall not report to work but may be reassigned other duties that can be accomplished remotely.

Your procedure and timeline on getting information on the number of workers in each category by department, including the copy of the request being sent to each agency and a brief explanation on how the information will be used to address the needs of state government during the COVID-19 emergency period.

DHRD has sent out a form to each executive branch department (see Attachment A) The form is prepopulated with all employees of the department. Included in the form are fields for Org Code, Department, Division, Branch, Section, Job code, employee status, title, and union code. The last three columns of the form are blank check boxes for departments to indicate which of the three categories of employees individuals fall into. Along with the form a transmittal letter was sent (see Attachment B). Once the information is received from all departments, the information will be aggregated and sent to General Kenneth Hara as Incident Command. Because Governor Ige already has provided the means to suspend the relevant portions of HRS chapter 89, in the Proclamation dated March 4, 2020, he need only determines the appropriate timing for these suspensions. DHRD with Incident Command will identify the employees in the third category of workers and redeploy them based on their knowledge skills and abilities to positions within State Government where there is current need.

The deadline you are giving for departmental response and your deadline to provide the information to this Committee.

DHRD has given a deadline of close of business on Monday April 6, 2020 for departmental response to this request.

Redeployment of State Workers

All information regarding current planning of the potential redeployment of state workers to different state departments or agencies in response to the COVID-19 virus, including, but not limited to:

Statutory authority and legal conditions under which state civil service workers may be redeployed to other agencies,

The Governor's authority to suspend laws in time of emergency is found in Chapter 127, HRS, namely an emergency proclamation issued under HRS sections 127A-13 and 127A-12.

The Governor's Proclamation dated March 4, 2020 suspended HRS Chapter 89 "to the extent necessary for county and state agencies to accomplish the emergency management functions contemplated under this Proclamation." Identifying the specific provisions for suspension would allow Incident Command to redeploy employees to other agencies.

An explanation of how the Governor's Emergency Proclamation impacts or could impact Chapter 89,

Impacts will vary depending on the scope of the suspension. A Suspension of portions of HRS Chapter 89 may allow the Employer to redeploy employees to a different department. Suspending all, or portions of HRS Chapter 89 may impact

the employees' wages, hours and working conditions. The Collective Bargaining Agreements for all 14 Bargaining Units have different terms so the impact would likely vary between Units.

Any meetings, past or planned, that DHRD has had regarding planning for a potential suspension of Chapter 89, including with the affected bargaining units, Include attendees, minutes, summaries and conclusions from these meetings,

1. February 18, 2020 Corona Virus meeting DHRD Staff
2. February 24, 2020 Corona Virus follow up meeting DHRD Staff
3. February 26, 2020 Collective Bargaining meeting DHRD staff
4. February 28, 2020 Collective Bargaining meeting with B&F
5. March 4, 2020 - Discussion with DHRD staff regarding implications of Emergency Proclamation and next steps. Next steps to communicate with Governor Ige regarding suspension of 89 and calls to Unions regarding such.
6. March 4, 2020 - Communication with Governor Ige regarding possible intention to suspend HRS 89.
7. On or about March 4, 2020 - calls to Randy Perreira HGEA, Dayton Nakanelua UPW, Robert Lee HFFA, and Christian Fern UHPA regarding intention to suspend HRS Chapter 89. Conveyed that there was no current intention to suspend HRS Chapter 89
8. On or about March 4, 2020 – call to Wilbert Holck HSTA, left message.
9. March 13, 2020 Meeting with B and F regarding Council on Revenues impact on Collective Bargaining
10. March 18, 2020 Communication with deputy attorney general (DAG) regarding suspension of HRS Chapter 89
11. March 20, 2020 DOD Covid-19 planning and Response meeting
12. March 21, 2020 Email from General Hara regarding process to utilize those impacted by Covid-19 policy decision
13. March 21, 2020 Email responding to General Hara regarding process to utilize those impacted by Covid-19 policy decision
14. March 24, 2020 Meeting B&F regarding on going Collective bargaining
15. March 24, 2020 Letter to UPW regarding request for intent to arbitrate
16. March 24, 2020 Letter to HGEA regarding request for intent to arbitrate
17. March 24, 2020 Letter to HFFA regarding request for intent to arbitrate
18. March 25, 2020 Meeting with all public sector Unions
19. March 25, 2020 Meeting with B&F and DAG regarding on going collective bargaining
20. March 27, 2020 Email from Robert Lee HFFA regarding clarification on Governor Ige's Emergency Proclamation and suspension of HRS chapter 89
21. March 27, 2020 Call to Robert Lee HFFA regarding clarification on Governor Ige's Emergency Proclamation and suspension of HRS chapter 89
22. March 30, 2020 Meeting Governor, Band F and DAG regarding collective bargaining issues

23. March 31, 2020 FFCRA meeting with DHRD staff
24. April 1, 2020 Email from Robert Lee HFFA regarding clarification on Governor Ige's Emergency Proclamation and suspension of HRS chapter 89
25. April 1, 2020 Email to Robert Lee HFFA regarding clarification on Governor Ige's Emergency Proclamation and suspension of HRS chapter 89
26. Weekly calls with National Association of State Personnel Executives
27. Weekly Cabinet meetings
28. March 18, 2020 Meeting with Departmental HR officers.
29. Weekly meetings with Jurisdictional HR Directors
30. Biweekly meetings with DHRD management Team
31. Multiple ongoing unscheduled communications with Governor Ige regarding collective bargaining
32. Multiple ongoing unscheduled communications with DAG regarding collective bargaining issues.
33. Multiple ongoing unscheduled communications with DHRD staff regarding collective bargaining issues.
34. Multiple ongoing unscheduled communications with jurisdictional HR directors regarding collective bargaining.
35. Multiple ongoing unscheduled communications with departmental Human Resource Officers regarding collective bargaining.

Copies of current DHRD plans regarding the redeployment of state civil service workers,

Currently DHRD does not have authority to redeploy employees. This authority lies with the Governor or the Director of Emergency Management. DHRD's current plan regarding the possible redeployment of state civil service workers is to aggregate the employee category data that executive branch departments will be providing to DHRD by Close of Business April 6, 2020. Upon completion of the aggregation, which should take less than half a day, the data will be transmitted to the Office of the Governor and Incident Command. DHRD then intends to work with Incident Command to determine where need exists, and which employees will be an appropriate fit to fill those needs. Once determined, Governor Ige may elect to identify specific portions of HRS Chapter 89 to suspend, and DHRD will work with Incident Command and affected departments to redeploy identified employees to the areas of need.

In the meantime, DHRD along with Incident Command and the DLIR has also conceptualized a volunteer program to help address the immediate needs of the department. DLIR has transmitted information about their needs. DHRD will determine how those needs may be filled by volunteers from other state departments. DHRD will solicit volunteers from other state departments. If the departments operations can continue and there is agreement between the employee and the department that the employee may volunteer for the

redeployment, DHRD will determine if their skillset matches up with the needs of DLIR. Currently DHRD employees, as well as other department employees have already volunteered to assist DLIR and other agencies depending on operational and time constraints.

A list of agencies that are in critical need of additional staff to remain functional and respond to the COVID-19 emergency, including but not limited to the number of workers needed; and

1. Department of Labor and Industrial Relation
2. Department of Defense
3. Department of Health
4. Department of Agriculture

The rationale for potential reimbursement through the federal CARES Act for any redeployment costs directly related to COVID-19 response.

The CARES Act prohibits the State from using the associated funding for existing budget items. If the State's response to Covid-19 were to include personnel costs they would have to be tracked and justified to warrant reimbursement. Initial Treasury indications are that it is possible that redeployed staff or over time costs may be eligible. Treasury guidance is coming out on April 24, 2020 and will hopefully address this issue.

Emergency and Contingency Planning

Copies of DHRD's emergency, contingency and continuity plans.

Please see Attachment C

Please see Attachment D

Please see Attachment E

Copies of all communications between DHRD and the Senate in March 2020 regarding these plans; and

NA

Copies of all communications between DHRD and the Governor's Office, HIEMA, or the COVID-19 Incident Command regarding these plans.

NA