



State of Rhode Island and Providence Plantations

2009 AUG 24 PM 2: 38

TJ

State House
Providence, Rhode Island 02903-1196
401-222-2080

SECRETARY OF STATE
ELECTED TO THE OFFICE 1790

Donald L. Carcieri
Governor

EXECUTIVE ORDER

09-20

August 24, 2009

REDUCTION IN PERSONNEL COSTS

WHEREAS, the 2010 fiscal year budget requires that the Executive Branch realize \$67.8 million in “undistributed personnel and operating savings;” and

WHEREAS, the State of Rhode Island is contending with an unprecedented financial crisis of historic proportions characterized by diminishing tax revenues, projected substantial annual budget deficits, extremely high unemployment, with rising unemployment and other social safety net financial demands, and as the current 2010 fiscal year budget is already balanced in part by one time federal economic stimulus revenue support; and

WHEREAS, article 9, sections 1 and 2, of Rhode Island Constitution mandates that the Governor be vested with chief executive power within the State and must ensure that the State’s laws be faithfully executed; and

WHEREAS, the Legislature, pursuant to R.I. Gen. Law § 42-11-2(1)(2), has also provided the Governor with the power, through his appointed Director of Administration, to prepare and administer the State’s budget; and

WHEREAS, there has been delegated to the Governor, both expressly and impliedly through the above-cited budget, constitutional, and statutory provisions, the authority and discretion to effectuate personnel cost reductions throughout the Executive Branch of State government, including shutdowns and layoffs; and

WHEREAS, despite recent discussions with union leadership and other efforts to avoid adverse impact upon state employees, personnel compensation reduction plans cannot completely be avoided due to the \$67.8 million dollar savings that must be realized in the Executive Department and the increasing nature of the State’s fiscal crisis; and

WHEREAS, having been charged by the Constitution to ensure that the laws of this State are faithfully carried out and having a mandate to administer as well as balance the budget it follows that shutdowns and layoffs are a reasonable and necessary step by the Chief Executive to fulfill an important, logical, rational, and constitutionally permissible public purpose in accordance with a valid and legitimate interest of the State; and

WHEREAS, shutdowns spread over a carefully considered period will lessen the financial impact on state employees and lessen the impact on overall government service to the taxpayer, rather than the more drastic measure of laying off a narrower group of state employees, where such layoffs would result in greater dislocations and fiscal adversities sustained by state employees, along with a greater corresponding impact to Rhode Island citizens; and

WHEREAS, the budget must be balanced and there must be compliance with the directives in the fiscal year 2010 budget.

NOW, THEREFORE, I, Donald L. Carcieri, by virtue of the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, hereby order and direct the following:

1. Consistent with his authority under Title 42, Chapter 11 of the General Laws of the State of Rhode Island, the Director of the Department of Administration is hereby authorized to effectuate a shutdown, for a total of 12 business days between this date and the end of the current fiscal year, of as many State departments and agencies subject to this Executive Order as he in his discretion may determine. In addition, the director may use any other lawful means to achieve a payroll cost reduction in an amount comparable to that which would be achieved by way of such shutdowns.
2. In the event the use of shutdown days fail to achieve the personnel savings desired, the Director of the Department of Administration, and other directors of other departments of State government, in conjunction with the Director of the Department of Administration, are hereby authorized and directed to effectuate layoffs of State personnel in a manner consistent with the State's Merit System Law and Personnel Rules and Regulations, and collective bargaining agreements to which the State is a party.
3. The Director of the Department of Administration, in the implementation of the foregoing, shall have the exclusive authority to designate the specific dates upon which shutdowns shall occur and the employees affected, and in doing so, shall make such determinations in a manner that would provide the least disruption in the State's ability to provide services to the public. Employees affected by a shutdown day shall not report to work or receive pay. The Director shall also have the exclusive authority to identify and exempt from shutdowns those departments and agencies or sections thereof which in his judgment cannot be shut down for reasons relating to the health and safety of the public served thereby.

4. The Director of the Department of Administration is also hereby granted the exclusive authority to determine the propriety of all proposed layoffs and shall exercise his best judgment in an attempt to balance the need to reduce payroll costs and the need to avoid unnecessary disruption and adverse impact upon the State's ability to provide services.
5. All other branches, agencies, officers, commissions, and departments of State and local government are urged to recognize the fiscal predicament of the State, and the sacrifices and reductions undertaken by the Executive Department, and promptly undertake similar or equivalent action to reduce the burden they impose on the State's budget.
6. Any employee designated to be in a process of continuous operation and required to work on a shutdown day will not be entitled to receive overtime pay solely by reason of being required to work on a shutdown day.

This Executive Order is effective immediately and shall continue until modified or terminated by subsequent Order.

So Ordered:



Donald L. Carcieri
Governor

Dated: 8/24/09