
A BILL FOR AN ACT

RELATING TO EXCLUDED EMPLOYEES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. **Purpose.** The purpose of this Act is to require
2 each state appropriate authority to establish a furlough program
3 for the authority's state excluded employees.

4 SECTION 2. **Definitions.** For the purpose of this Act:

5 "Appropriate authority" means the same as defined under
6 section 89C-1.5, Hawaii Revised Statutes.

7 "Excluded employee" means the same as defined under section
8 89C-1.5, Hawaii Revised Statutes.

9 "State appropriate authority" means:

- 10 (1) An appropriate authority of the state government;
- 11 (2) The president of the senate and speaker of the house
12 of representatives for state excluded employees of the
13 senate and house of representatives, respectively; and
- 14 (3) The executive director of the state ethics commission.

15 "State excluded employee" means an excluded employee of the
16 state government.

17 SECTION 3. **Furlough program; establishment.** Except as
18 provided under section 4, each state appropriate authority shall



1 establish a furlough program for state excluded employees under
2 the authority's jurisdiction. Under the program, each state
3 excluded employee shall be furloughed without pay for one day
4 per calendar month during the fiscal biennium 2009-2011.

5 SECTION 4. **Exemption from furlough program.** (a) A state
6 appropriate authority may exempt a state excluded employee from
7 the furlough program if the authority deems that the exemption
8 is necessary to:

9 (1) Prevent the reduction of student instructional days of
10 the department of education or University of Hawaii;
11 or

12 (2) Protect public health and safety.

13 (b) The president of the senate and speaker of the house
14 of representatives, acting jointly, may exempt state excluded
15 employees of the senate and house of representatives from any
16 furlough requirement for the duration of the regular sessions of
17 2010 and 2011, but not any interim before or after the sessions.
18 If the president and speaker authorize such an exemption, the
19 president and speaker shall furlough the exempt employees
20 without pay for four additional days during the interim.

21 If the president and speaker authorize exemptions for the
22 duration of the regular sessions of 2010 and 2011, the director



1 of the legislative reference bureau shall likewise impose the
2 same exemption and furlough requirements on the director's state
3 excluded employees.

4 SECTION 5. **No compensation increase under chapter 89C.**

5 For the duration of the furlough program, no state appropriate
6 authority shall increase the compensation of a state excluded
7 employee whose compensation is subject to chapter 89C, Hawaii
8 Revised Statutes.

9 SECTION 6. **Report.** Each state appropriate authority shall
10 prepare a report before July 1, 2009, of its plan to establish a
11 furlough program.

12 SECTION 7. **Superiority of Act.** If any provision of this
13 Act conflicts with any other state law, ordinance, executive
14 order, or rule, the provisions of this Act shall prevail.

15 SECTION 8. Section 89C-6, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§89C-6 Chapter takes precedence, when.** Adjustments made
18 in accordance with this chapter shall take precedence over all
19 contrary local ordinances, executive orders, legislation, or
20 rules adopted by the State or a county, or any department,
21 agency, board, or commission thereof, including the personnel
22 departments or the merit appeals boards[-]; provided that, for



H.B. NO. 1724

1 the duration of the furlough program established under Act _____,
2 Session Laws of Hawaii 2009, section 5 of the Act shall apply."

3 SECTION 9. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 10. This Act shall take effect upon its approval;
6 provided that the amendment to section 89C-6, Hawaii Revised
7 Statutes, shall be repealed on June 30, 2011, and section 89C-6,
8 Hawaii Revised Statutes shall be reenacted in the form in which
9 it existed on the day before the effective date of this Act.

10

INTRODUCED BY: Calvin K. Iy

JAN 28 2009



Report Title:

State Excluded Employees; Furlough Program

Description:

Requires each appropriate state authority to implement a furlough program for the authority's state excluded employees.

