

JAN 26 2009

A BILL FOR AN ACT

RELATING TO JOB-SHARING FOR PUBLIC EMPLOYEES.

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

1 SECTION 1. The legislature finds that flexible employment
2 opportunities are needed to meet changing social and economic
3 realities of life in Hawaii. For nearly twenty years, the
4 legislature has promoted job-sharing, which allows the sharing
5 of one full-time position by two half-time employees, as an
6 employment option for certain state workers. Job-sharing pilot
7 projects have been authorized for the executive branch, the
8 judiciary, the office of the legislative reference bureau, the
9 office of the auditor, and the office of the ombudsman.

10 According to a report by the auditor on these pilot
11 projects, job-sharing was found to be a feasible, desirable, and
12 cost-effective work arrangement. Job-sharers have the
13 flexibility to care for children, spend more time with their
14 families, pursue additional education and training, and take
15 care of other personal needs. Positive results of job-sharing
16 include a decrease in worker turnover and absenteeism, an
17 increase in worker productivity, and an improvement in worker
18 morale. The auditor's report concluded with a recommendation



1 that job-sharing be made available to all state agencies to use
2 at their discretion.

3 The purpose of this Act is to authorize the executive
4 departments, the judicial branch, the office of the legislative
5 reference bureau, the office of the auditor, and the office of
6 the ombudsman to establish voluntary job-sharing programs for
7 their permanent, full-time employees; and to encourage agencies
8 to examine appropriate use of job-sharing as a means of
9 improving operations and retaining effective employees.

10 SECTION 2. The Hawaii Revised Statutes is amended by
11 adding a new chapter to be appropriately designated and to read
12 as follows:

13 "CHAPTER

14 JOB-SHARING

15 § -1 Definitions. As used in this chapter, unless the
16 context requires otherwise:

17 "Agency" means the executive departments, the University of
18 Hawaii, the judicial branch, the office of the legislative
19 reference bureau, the office of the auditor, and the office of
20 the ombudsman; provided that it shall not apply to executive
21 agencies that have a specific statutory authorization for job-
22 sharing.



1 "Director" means the director of a state department, the
2 comptroller, the chairperson of the board of agriculture, the
3 attorney general, the adjutant general, the superintendent of
4 education, the chairperson of the Hawaiian homes commission, the
5 chairperson of the board of land and natural resources, the
6 president of the University of Hawaii, the administrator of the
7 courts, the director of the legislative reference bureau, the
8 state auditor, and the state ombudsman.

9 "Job-sharing" means the voluntary sharing of a full-time,
10 permanent employee's position with another employee, with each
11 working one-half of the total number of hours of work required
12 per month, and each receiving one-half of the salary and at
13 least one-half of each employee benefit afforded to full-time
14 employees.

15 § -2 Authorization to establish job-sharing programs.

16 Any agency may establish and administer voluntary job-sharing
17 programs for their permanent, full-time employees; provided that
18 sections 302A-610 and 312-7 shall apply to employees of the
19 department of education and the public library system,
20 respectively.

21 § -3 Establishment of job-sharing program. (a) To

22 establish a job-sharing program, each director, in consultation



1 and agreement with the representatives of the appropriate
2 bargaining units, shall formulate and adopt guidelines for the
3 implementation of this chapter.

4 (b) The director of each agency that has established a
5 job-sharing program shall announce the job-sharing program to
6 all full-time, regular employees and shall solicit voluntary
7 requests of personnel interested in participating in the
8 program.

9 § -4 Application to participate; selection; conversion.

10 (a) Employees who respond to the announcement and others who
11 request information shall receive a full written description of
12 the terms of the program when the guidelines are finalized and
13 those desiring to participate may apply to participate in the
14 program. Employees who apply for participation shall obtain the
15 concurrence of their director, immediate supervisor, and other
16 appropriate personnel officers.

17 (b) Applicants who qualify shall be interviewed by the
18 agency's personnel officer or other appropriate individual.

19 (c) Upon the selection of a permanent, full-time employee
20 for job-sharing under this chapter, the director of each agency,
21 for the purposes of this chapter, shall convert the position of
22 the employee into two job-sharing positions, one of which shall



1 be filled by the employee, and the other of which shall be
2 filled by either another permanent employee or a person hired
3 under this chapter.

4 § -5 Participation. It is recommended that not more
5 than fifty per cent of the eligible personnel at any work site
6 be accepted to participate in the program. It is further
7 recommended that when sufficient eligible applicants are
8 available, not less than twenty-five per cent of the personnel
9 at any work site be accepted to participate in the program.

10 § -6 Recruitment for job-sharing positions;
11 requirements. Persons hired to fill job-sharing positions shall
12 be recruited in accordance with this chapter; provided that any
13 person hired for a job-sharing position shall possess the
14 minimum requirements of the full-time position that was
15 converted to job-sharing positions under this chapter.

16 § -7 Job-sharing program participants; employee rights
17 and benefits. (a) No full-time, permanent employee shall lose
18 membership in an employee bargaining unit because of
19 participation in a job-sharing program authorized under this
20 chapter, any law to the contrary notwithstanding. Union
21 membership or service fees paid by job-sharers under this



1 chapter shall be at a level consistent with normal union
2 membership dues or service fees.

3 (b) The State's contribution to a job-sharer's prepaid
4 health, prepaid dental, and any group life insurance plans shall
5 be the same as for full-time employees, any other provision of
6 the law to the contrary notwithstanding. Job-sharers shall be
7 covered under chapters 383 and 386.

8 (c) Service credit for permanent employees participating
9 in the program under this chapter shall be given on the same
10 basis as that for full-time employees.

11 (d) Nothing in this chapter shall be construed to vest any
12 person with any rights to permanent employment status, whether
13 under civil service or otherwise, that did not exist prior to
14 the participation of the person in the job-sharing program.

15 (e) No full-time position shall be abolished or reduced to
16 a half-time position as a result of this chapter, except for the
17 purpose of job-sharing, and only for the time that the job-
18 sharing position has been established.

19 (f) In a reduction-in-force procedure, consideration of a
20 job-sharer's retention points shall be on the same basis as that
21 of a full-time employee.



1 (g) Nothing in this chapter shall impair the employment or
2 employment rights or benefits of any employee.

3 § -8 Contractual agreement; position vacancy. (a)

4 Participation in the job-sharing program shall require the
5 commitment on the part of all parties to a contractual
6 agreement; provided that the employee shall be given the option
7 to contract for one or more years.

8 (b) No job-sharing position created under this chapter and
9 committed to for a specific period of time under the terms of
10 the contractual agreement shall be converted to full-time status
11 before the termination of the contractual agreement. A job-
12 sharing vacancy created by the resignation, retirement, or other
13 permanent or temporary severance of employment with an agency on
14 the part of any person shall not be converted to full-time
15 status until termination of the contractual agreement and shall
16 be filled immediately through recruitment of another person
17 pursuant to this chapter.

18 (c) Upon the termination of job-sharing contractual
19 agreements, all job-sharing positions shall be converted to
20 full-time positions, and the employees who held the full-time
21 positions prior to their participation in the program shall be



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1 entitled to resume their positions without loss of any employee
2 rights."

3 SECTION 3. This Act shall take effect upon its approval.

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Report Title:

Job-sharing

Description:

Authorizes the agencies of the executive, judiciary, and legislative branches to establish a voluntary job-sharing program.

