
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 legislative reference bureau, the office of the
9 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 branch, the judicial branch, the legislative reference bureau,
5 the office of the auditor, and the office of the ombudsman to
6 establish voluntary job-sharing programs for their permanent,
7 full-time employees and to encourage agencies to examine
8 appropriate uses of job-sharing as a means of improving
9 government operations and retaining qualified 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 branch, the University of
18 Hawaii, the judicial branch, the legislative reference bureau,
19 the office of the auditor, and the office of the ombudsman;
20 provided that it shall not apply to executive agencies that have
21 a specific statutory authorization for job-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 by two employees, with each
11 working of the total number of hours of work
12 required per month, and each receiving of the salary
13 and at least of each employee benefit afforded to a
14 full-time employee.

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, a director, in consultation and

1 agreement with the representatives of the appropriate bargaining
2 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.

13 Employees who apply for participation shall obtain the
14 concurrence of their director, immediate supervisor, and other
15 appropriate personnel officers.

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

18 (c) Upon the selection of a permanent, full-time employee
19 for job-sharing under this chapter, the director of an agency,
20 for the purposes of this chapter, shall convert the position of
21 the employee into two job-sharing positions. One of these
22 positions shall be filled by the formerly full-time employee,

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

3 **§ -5 Participation.** It is recommended that not more
4 than fifty per cent of the eligible personnel at any work site
5 be accepted to participate in the program. It is further
6 recommended that when sufficient eligible applicants are
7 available, not less than twenty-five per cent of the personnel
8 at any work site be accepted to participate in the program.

9 **§ -6 Recruitment for job-sharing positions;**
10 **requirements.** Persons hired to fill job-sharing positions shall
11 be recruited in accordance with this chapter; provided that any
12 person hired for a job-sharing position shall possess the
13 minimum requirements of the full-time position that was
14 converted to a job-sharing position under this chapter.

15 **§ -7 Job-sharing program participants; employee rights**
16 **and benefits.** (a) Any law to the contrary notwithstanding, no
17 full-time, permanent employee shall lose membership in an
18 employee bargaining unit because of participation in a job-
19 sharing program authorized under this chapter. Union membership
20 or service fees paid by job-sharers under this chapter shall be
21 at a level consistent with normal union membership dues or
22 service fees.

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

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

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

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

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

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

1 § -8 **Contractual agreement; position vacancy.** (a)

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

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

16 (c) Upon the termination of job-sharing contractual
17 agreements, all job-sharing positions shall be converted to
18 full-time positions, and the employees who held the full-time
19 positions prior to their participation in the program shall be
20 entitled to resume their positions without loss of any employee
21 rights."

22 SECTION 3. This Act shall take effect on January 1, 2090.

Report Title:

Job-Sharing

Description:

Authorizes the agencies of the executive, judicial, and legislative branches to establish a voluntary job-sharing program. Effective 01/01/90. (SD2)