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# HOUSE CONCURRENT RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY  
ON THE CURRENT LAW AND PROCEDURES RELATING TO THE  
DISPOSITION OF VACATION CREDITS FOR PUBLIC EMPLOYEES THAT  
TRANSFER TO ANOTHER DEPARTMENT IN THE SAME JURISDICTION OR  
TO ANOTHER JURISDICTION.

1           WHEREAS, section 78-23, Hawaii Revised Statutes, contains  
2 provisions relating to leaves of absence for public employees;  
3 and

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5           WHEREAS, currently, when a public employee is transferred  
6 from one department to another within the same jurisdiction or  
7 to another jurisdiction of the State, the employee must be given  
8 credit for vacation earned or accumulated in the department from  
9 which the employee transferred and the Director of Finance, or  
10 equivalent officer, is required to transfer the appropriate  
11 amount of funds to effect the employee transfer; and

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13           WHEREAS, if the state agency from which the employee  
14 transferred is financed by the general fund, the amount  
15 representing vacation earned is transferred to the general fund,  
16 rather than the agency receiving the employee; and

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18           WHEREAS, this process results in problems for the agencies  
19 involved in the transfer; and

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21           WHEREAS, the agency from which the public employee  
22 transferred incurs substantial costs to cover the vacation  
23 credits; and

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25           WHEREAS, in cases where the receiving state agency is  
26 financed by the general fund, the transferred funds are not  
27 credited to that agency and, instead, are transferred to the  
28 general fund; and



1 WHEREAS, questions have arisen as to the rationale for this  
2 procedure, and whether a more equitable process is available  
3 with respect to the disposition of vacation credits; now,  
4 therefore,  
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6 BE IT RESOLVED by the House of Representatives of the  
7 Twenty-sixth Legislature of the State of Hawaii, Regular Session  
8 of 2011, the Senate concurring, that the Legislative Reference  
9 Bureau is requested to conduct a study on the current law and  
10 procedures relating to the disposition of vacation credits for  
11 public employees that transfer from one department to another in  
12 the same jurisdiction or transfer to another jurisdiction,  
13 including a review of the legislative history of the current  
14 law; and  
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16 BE IT FURTHER RESOLVED that the Legislative Reference  
17 Bureau assess and determine the rationale for, and soundness of,  
18 the current law and procedures, and to offer viable  
19 alternatives; and  
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21 BE IT FURTHER RESOLVED that, in conducting the study, the  
22 Legislative Reference Bureau conduct a survey of the personnel  
23 directors of the State Executive Branch, State House of  
24 Representatives, State Senate, State Judiciary, executive  
25 branches of the counties, and legislative branches of the  
26 counties, on whether problems have been experienced with the  
27 disposition of vacation credits for transferring employees and  
28 what recommendations the personnel directors have for improving  
29 the system; and  
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31 BE IT FURTHER RESOLVED that the Legislative Reference  
32 Bureau is requested to submit a report of its findings and  
33 recommendations to the Legislature no later than 20 days prior  
34 to the convening of the Regular Session of 2012; and  
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36 BE IT FURTHER RESOLVED that certified copies of this  
37 Concurrent Resolution be transmitted to the Acting Director of  
38 the Legislative Reference Bureau and the Acting Director of the  
39 Legislative Reference Bureau is requested to send copies of this  
40 Concurrent Resolution to the personnel directors of the State  
41 Executive Branch, State House of Representatives, State Senate,  
42 State Judiciary, executive branches of the counties, and  
43 legislative branches of the counties.

