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## 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 in Hawaii. For nearly twenty years, the legislature  
4 has promoted job-sharing, which allows the sharing of one full-  
5 time position by two half-time employees, as an employment  
6 option for certain state workers. Job-sharing pilot projects  
7 have been authorized for the executive branch, the judiciary,  
8 the legislative reference bureau, the office of the auditor, and  
9 the office of the ombudsman.

10           According to the auditor, in the *Final Report on Job*  
11 *Sharing in Hawaii State Government*, Report No. 93-11, these job-  
12 sharing pilot projects were found to be a feasible, desirable,  
13 and cost-effective work arrangement. Job-sharers have the  
14 flexibility to care for children and more time to spend with  
15 their families and to pursue additional education and training.  
16 Positive results of job-sharing include a decrease in worker  
17 turnover and absenteeism, an increase in worker productivity,  
18 and an improvement in worker morale. The auditor's report



1 concluded with a recommendation that job-sharing should be  
2 authorized in all state agencies in the three branches of  
3 government to use at the agency's discretion.

4 The purpose of this Act is to:

- 5 (1) Authorize the executive departments, the judiciary,  
6 the legislative reference bureau, the office of the  
7 auditor, and the office of the ombudsman to establish  
8 voluntary job-sharing programs for their permanent,  
9 full-time employees; and
- 10 (2) Encourage agencies to examine the appropriate use of  
11 job-sharing as a means of improving operations and  
12 retaining productive employees.

13 SECTION 2. The Hawaii Revised Statutes is amended by  
14 adding a new chapter to be appropriately designated and to read  
15 as follows:

16 "CHAPTER

17 JOB-SHARING

18 § -1 **Definitions.** As used in this chapter, unless the  
19 context requires otherwise:

20 "Agency" means the executive departments, the University of  
21 Hawaii, the judiciary, the legislative reference bureau, the  
22 office of the auditor, and the office of the ombudsman; provided



1 that it shall not apply to executive agencies that have a  
2 specific statutory authorization for job-sharing.

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

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

17 **§ -2 Authorization to establish job-sharing programs.**

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



1           §    -3   **Establishment of job-sharing program.**   (a) To  
2 establish a job-sharing program, each director, in consultation  
3 and agreement with the representatives of the appropriate  
4 bargaining units, shall formulate and adopt guidelines for the  
5 implementation of this chapter.

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

11          §    -4   **Application to participate; selection; conversion.**

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

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

21          (c) Upon the selection of a permanent, full-time employee  
22 for job-sharing under this chapter, the director of each agency,



1 for the purposes of this chapter, shall convert the position of  
2 the employee into two job-sharing positions, one of which shall  
3 be filled by the employee, and the other of which shall be  
4 filled by either another permanent employee or a person hired  
5 under this chapter.

6       §   -5 **Participation.** Not more than fifty per cent of the  
7 eligible personnel at any work site shall participate in the  
8 program. When sufficient eligible applicants are available, not  
9 less than twenty-five per cent of the personnel at any work site  
10 shall be accepted to participate in the program.

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

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

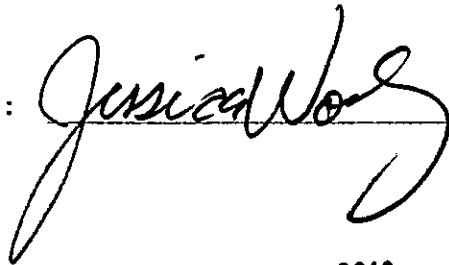


1 entitled to resume their positions without loss of any employee  
2 rights."

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

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INTRODUCED BY:

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JAN 18 2013





# H.B. NO. 496

**Report Title:**

Public Employees; Job-sharing

**Description:**

Authorizes agencies of the Executive, Judiciary, and Legislature to establish a voluntary job-sharing program.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

