
A BILL FOR AN ACT

RELATING TO PUBLIC OFFICERS AND EMPLOYEES.

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

1 SECTION 1. Section 89C-1.5, Hawaii Revised Statutes, is
2 amended by amending the definition of "appropriate authority" to
3 read as follows:

4 ""Appropriate authority" means the governor, the respective
5 mayors, the chief justice of the supreme court, the board of
6 education, the board of regents, the Hawaii health [+]systems[+]
7 corporation board, the auditor, the ombudsman, [~~and~~] the
8 director of the legislative reference bureau[-], and the
9 directors, boards, or executive heads of executive departments.

10 These individuals or boards may make adjustments for their
11 respective excluded employees."

12 SECTION 2. Section 89C-2, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§89C-2 Adjustments authorized; limitations, restrictions.**

15 Each appropriate authority may make adjustments for their
16 respective excluded employees subject to the following
17 guidelines and limitations:



- 1 (1) The compensation of excluded employees, whose pay is
2 presently limited or fixed by legislative action, or
3 prescribed by a salary commission, shall not be
4 adjusted under this chapter and shall continue to be
5 limited or fixed by the respective legislative body or
6 salary commission;
- 7 (2) The compensation of excluded employees exempt from
8 civil service coverage, whose pay is set at the
9 discretion of the appointing authority, shall continue
10 to be adjusted at the discretion of the appointing
11 authority from funds allowed for this purpose;
- 12 (3) Any adjustment made for excluded civil service
13 employees shall be consistent with the merit principle
14 and shall not diminish any rights provided under
15 chapter 76;
- 16 (4) For excluded employees under the same classification
17 systems as employees within collective bargaining
18 units, adjustments shall be not less than those
19 provided under collective bargaining agreements for
20 employees hired on a comparable basis;
- 21 (5) For excluded employees other than those under
22 paragraph (4), adjustments shall, to the extent



1 practicable, uniformly apply to every excluded
2 employee within a homogeneous grouping, such as,
3 cabinet members or managerial employees, to ensure
4 fairness. This does not preclude variable adjustments
5 based on performance or other job criteria and
6 specific adjustments warranted based on the nature of
7 work performed or working conditions; and

- 8 (6) No adjustment shall be made in benefits provided under
9 chapter 88 unless specifically authorized by that
10 chapter, or with respect to any other matter that the
11 legislature may specifically prohibit or limit by law.

12 Notwithstanding the foregoing guidelines and limitations, an
13 appropriate authority may withhold or alter the benefits
14 packages of excluded employees who are exempt from civil service
15 in exchange for compensation that exceeds the compensation for
16 civil service employees who receive those withheld or altered
17 benefits."

18 SECTION 3. Section 89C-4, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§89C-4 Adjustments for excluded employees exempt from**
21 **civil service.** Each appropriate authority shall determine the
22 adjustments that are relevant for their respective excluded



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1 employees who are exempt from civil service in consideration of
 2 the compensation and benefit packages provided for other
 3 employees in comparable agencies. In making this determination,
 4 an appropriate authority may alter benefit packages in exchange
 5 for compensation that exceeds compensation for civil service
 6 employees who receive those benefits. For executive/managerial
 7 positions in the University of Hawaii system filled by excluded
 8 employees, proposed compensation or change in compensation shall
 9 be disclosed in open meeting for purposes of public comment."

10 SECTION 4. Statutory material to be repealed is bracketed
 11 and stricken. New statutory material is underscored.

12 SECTION 5. This Act shall take effect upon its approval.
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INTRODUCED BY:

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H.B. NO. 1979

Report Title:

Public Officers and Employees Excluded from Collective Bargaining; Salaries and Benefits

Description:

Authorizes the directors of all state departments to withhold or alter the benefits packages of excluded employees who are exempt from civil service in exchange for higher compensation.

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

