

JAN 18 2019

A BILL FOR AN ACT

RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.

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

1 SECTION 1. Section 10-12, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§10-12 Assistant; staff.** The administrator may employ
4 and retain [~~such~~] officers and employees as may be necessary to
5 carry out the functions of the office. [~~Such~~] The officers [~~and~~
6 ~~employees~~] may be hired without regard to chapter 76, and shall
7 serve at the pleasure of the administrator. The employees shall
8 be subject to chapters 76 and 89. Officers and employees of the
9 office of Hawaiian affairs shall be included in any benefit
10 program generally applicable to officers and employees of the
11 State."

12 SECTION 2. Section 76-71, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§76-71 Department of civil service.** There shall be a
15 department of civil service for each of the counties of Hawaii,
16 Maui, and Kauai, and for the office of Hawaiian affairs, which



1 shall include a personnel director and a merit appeals board
2 established under section 76-47."

3 SECTION 3. Section 89-6, Hawaii Revised Statutes, is
4 amended by amending subsection (d) to read as follows:

5 "(d) For the purpose of negotiating a collective
6 bargaining agreement, the public employer of an appropriate
7 bargaining unit shall mean the governor together with the
8 following employers:

9 (1) For bargaining units (1), (2), (3), (4), (9), (10),
10 (13), and (14), the governor shall have ~~[six]~~ seven
11 votes and the following individuals or boards shall
12 have one vote each if they have employees in the
13 particular bargaining unit:

14 (A) The mayors [~~7~~ ~~the~~];

15 (B) The chief justice [~~7~~ ~~and the~~];

16 (C) The Hawaii health systems corporation board
17 [~~shall each have one vote if they have employees~~
18 ~~in the particular bargaining unit~~]; and

19 (D) The board of trustees of the office of Hawaiian
20 affairs;



1 (2) For bargaining units (11) and (12), the governor shall
2 have four votes and the mayors shall each have one
3 vote;

4 (3) For bargaining units (5) and (6), the governor shall
5 have three votes, the board of education shall have
6 two votes, and the superintendent of education shall
7 have one vote; and

8 (4) For bargaining units (7) and (8), the governor shall
9 have three votes, the board of regents of the
10 University of Hawaii shall have two votes, and the
11 president of the University of Hawaii shall have one
12 vote.

13 Any decision to be reached by the applicable employer group
14 shall be on the basis of simple majority, except when a
15 bargaining unit includes county employees from more than one
16 county. In that case, the simple majority shall include at
17 least one county."

18 SECTION 4. All existing employees of the office of
19 Hawaiian affairs shall be conferred permanent civil service
20 status within the meaning of chapter 76, Hawaii Revised
21 Statutes, without the necessity of examination, without any



1 reduction in pay, and without any loss of seniority, prior
2 service credit, vacation and sick leave credits earned, or loss
3 of any benefits accorded a civil service employee.

4 SECTION 5. The rights, benefits, and privileges currently
5 enjoyed by employees of the office of Hawaiian affairs,
6 including those rights, benefits, and privileges under chapters
7 78, 87A, and 88, Hawaii Revised Statutes, shall not be impaired
8 or diminished as a result of these employees being transitioned
9 to their respective bargaining unit. The transition to the new
10 bargaining units shall not result in any break in service for
11 the affected employees.

12 SECTION 6. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 7. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 8. This Act shall take effect upon its approval.

18

INTRODUCED BY: _____



S.B. NO. 731

Report Title:

Office of Hawaiian Affairs; Employees; Collective Bargaining;
Civil Service

Description:

Establishes a department of civil service for the office of Hawaiian affairs to apply merit-based hiring practices to future office of Hawaiian affairs employees; permits employees of the office of Hawaiian affairs to enter into collective bargaining agreements. Confers all existing employees of the office of Hawaiian affairs permanent civil service status and specifies that any rights, benefits, and privileges they have accrued shall not be diminished by transitioning to their collective bargaining unit.

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