

JAN 26 2022

A BILL FOR AN ACT

RELATING TO EMPLOYMENT.

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

1 SECTION 1. Chapter 76, Hawaii Revised Statutes, is amended
2 by adding a new part to be appropriately designated and to read
3 as follows:

4 **"PART . PERSONNEL EXCHANGE**

5 **§76-A Definitions.** As used in this part:

6 "Eligible organization" means:

- 7 (1) A national, regional, statewide, area-wide, or
8 metropolitan organization representing member state or
9 local governments;
- 10 (2) An association of state or local public officials; or
- 11 (3) A nonprofit organization that has as one of its
12 principal functions the offering of professional
13 advisory, research, educational, or development
14 services, or related services, to governments or
15 universities concerned with public management.



1 "Participating organization" means an eligible organization
2 that has been certified to participate in the personnel exchange
3 program pursuant to section 76-C.

4 **§76-B Personnel exchanges or movements.** (a) The
5 department of human resources development shall establish a
6 personnel exchange program to allow for the exchange or movement
7 of civil service employees between the State and any county,
8 between counties, between the State and eligible organizations,
9 or between the counties and eligible organizations.

10 (b) The following conditions shall govern the exchanges
11 and movements:

12 (1) All exchanges and movements shall require the approval
13 of the appropriate department heads and directors;

14 (2) All exchanges and movements shall be to the same or a
15 closely related class of positions;

16 (3) Employees shall be required to meet the minimum
17 qualification requirements of the class to which they
18 are to be exchanged or moved;

19 (4) No employee shall be moved between the State and any
20 county or between counties for which an appropriate
21 promotional eligible list exists;



(5) The director of human resources development may require a noncompetitive examination of a civil service employee to determine the civil service employee's fitness and qualifications for the class to which the civil service employee is being exchanged or moved; and

(6) No exchange shall be for a period in excess of two years; provided that the exchange period may be extended for up to two more years with the approval of the appropriate department heads or directors.

§76-C Eligible organizations; certification. (a)

Eligible organizations interested in participating in the personnel exchange program shall submit a written request for certification to the department of human resources development, who may approve and certify the organization to participate in the program.

(b) Written requests for certification shall include a copy of the organization's:

(1) Articles of incorporation;

(2) Bylaws;

(3) Internal Revenue Service nonprofit statement; and



(4) Any other information that indicates the organization has as a principal function the offering of professional advisory, research, educational, or development services, or related services to governments concerned with public management.

§76-D Personnel exchanges or movements; obligated service.

(a) A civil service employee assigned under this part shall agree as a condition of accepting the assignment to serve with the assigned government agency or participating organization for a period equal to the length of the assignment.

(b) If an employee fails to carry out the assignment as accepted pursuant to subsection (a), the employee shall reimburse the government agency or participating organization for the share of the costs of the assignment, exclusive of salary and benefits. The department head or director, or the department head or director's designee, may waive this reimbursement.

§76-E Requirements for written approval. (a) Prior to an assignment allowed pursuant to this part, the assigned employee and the State, county, or participating organization shall enter



1 into a written agreement recording the cost-sharing
2 arrangements, obligations, and responsibilities of the parties.

3 (b) The State, county, and participating organizations
4 shall maintain a copy of each assignment agreement form made
5 pursuant to this section, including any modifications to the
6 agreement. The State, county, or participating organization may
7 determine the appropriate time period for retaining the copies
8 of its written agreements.

9 **§76-F Standards of conduct.** Any employee of a
10 participating organization exchanged or moved to a position
11 within the State or a county shall be subject to chapter 84 for
12 the duration of the assignment to a state or county position and
13 any period before or after assignment to a state or county
14 position as may be required by chapter 84.

15 **§76-G Termination of agreement.** (a) An assignment made
16 pursuant to this part may be terminated at any time at the
17 request of the state or county government or participating
18 organization. Where possible, the party terminating the
19 assignment prior to the agreed upon date shall provide thirty
20 days' advanced notice, along with a statement of reasons for
21 early termination, to the other parties to the agreement.



1 (b) An assignment shall be terminated automatically when
2 the employer-employee relationship ceases to exist between the
3 assignee and original employer.

4 (c) The department of human resources development may
5 terminate assignments or take other corrective actions if the
6 assignment is found to have been made in violation of the
7 requirements of this part.

8 **§76-H Rulemaking authority.** The department of human
9 resources development may adopt rules pursuant to chapter 91
10 necessary to carry out the purposes of this part."

11 SECTION 2. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$ or so
13 much thereof as may be necessary for fiscal year 2022-2023 for
14 the department of human resources development to establish a
15 program to allow for the exchange or movement of civil service
16 employees pursuant to section 1 of this Act.

17 The sum appropriated shall be expended by the department of
18 human resources development for the purposes of this Act.

19 SECTION 3. In codifying the new sections added by section
20 1 of this Act, the revisor of statutes shall substitute



1 appropriate section numbers for the letters used in designating
2 the new sections in this Act.

3 SECTION 4. This Act shall take effect on July 1, 2023;
4 provided that section 2 shall take effect on July 1, 2022.

5

INTRODUCED BY: _____

A handwritten signature in black ink, consisting of a stylized, cursive letter 'R' or similar character, positioned above the horizontal line of the 'INTRODUCED BY' field.

S.B. NO. 3346

Report Title:

Department of Human Resources Development; Personnel Exchange;
Civil Service Employees; Appropriation

Description:

Requires the department of human resources development to establish a personnel exchange program by 7/1/2023 for the exchange or movement of civil service employees between the State, counties, and certain organizations.

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

