
A BILL FOR AN ACT

RELATING TO HAZARD PAY.

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

1 SECTION 1. The legislature finds that the advent of the
2 coronavirus disease 2019 (COVID-19) displayed how the world was
3 ill-prepared to handle and manage a worldwide pandemic that
4 caused over seven million COVID-19-related deaths worldwide.
5 Out of this unexpected event, hundreds of thousands of first
6 responders and health care and essential workers sacrificed
7 their own health, safety, and well-being to ensure that the
8 people of Hawaii could continue to eat, live, and survive, as
9 world leaders battled with determining what effective
10 prevention, practices, and treatment were needed to deal with
11 the disease. In addition, leaders needed to communicate
12 information and practices that were built on empathy,
13 transparency, equity, and respect. Because infectious diseases
14 will continue to be challenges in the future, the State must
15 remain agile and flexible to rapidly respond to new infectious
16 diseases such as COVID-19.



1 The legislature further finds that a significant number of
2 state and county public employees continued working in their
3 capacities as first responders and health care and essential
4 workers. In addition, there were other second-tier essential
5 workers that continued operations of the State's public
6 educational system and university of Hawaii. These public
7 school teachers, educational officers, and faculty risked and
8 sacrificed their own health, safety, and well-being by returning
9 back to the workplace in which there was already a recognition
10 of known temporary hazards. Unfortunately, these public
11 employees were not entitled to temporary hazard pay as with
12 their other colleagues, since there was no contractually
13 negotiated and agreed upon language to compensate for temporary
14 hazard pay in their respective collective bargaining agreements.
15 Thus, they witnessed their colleagues deservingly receive
16 recognition and compensation for reporting back to work under
17 these hazardous conditions, knowing that they were not going to
18 be treated equitably.

19 The legislature also finds that this inequity, due to a
20 mere contractual absence, does not embody the fairness, dignity,
21 and respect that should be provided to all public employees.



1 Moreover, temporary hazard pay was, at one point in time,
2 embodied in chapter 77 of the Hawaii Revised Statutes. However,
3 under Act 252, Session Laws of Hawaii 2000, the legislature
4 repealed chapter 77, which, in effect, negated the award of
5 temporary hazard pay to all public employees unless covered
6 under a respective collective bargaining agreement.

7 Therefore, the purpose of this Act is to ensure that all
8 public employees will be treated equitably, regardless of
9 whether there is a specific provision of temporary hazard pay
10 negotiated in their respective collective bargaining agreement,
11 by authorizing pay differentials for public employees exposed
12 temporarily to unusually hazardous working conditions.

13 SECTION 2. Chapter 78, Hawaii Revised Statutes, is amended
14 by adding a new section to be appropriately designated and to
15 read as follows:

16 "§78- Hazard pay. (a) Upon recommendation of the
17 director of the applicable state or county department or agency,
18 or head of the department or agency as may be applicable,
19 differentials in pay may be granted for employees exposed
20 temporarily to unusually hazardous working conditions; provided



1 that the hazard has not already been recognized as a factor in
2 assigning classes to salary ranges.

3 (b) The pay differentials shall not exceed twenty-five per
4 cent of the minimum rate of the salary range and shall terminate
5 six months after the date of approval, unless terminated sooner.

6 (c) Requests for the renewal of such differentials as
7 originally approved pursuant to subsection (a) may be granted by
8 for periods no longer than six months at a time.

9 (d) The pay differentials granted under this section shall
10 be subject to certification by the respective fiscal officers as
11 to the availability of funds for this purpose."

12 SECTION 3. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:  BR
JAN 14 2025



H.B. NO. 167

Report Title:

Hazard Pay; Public State and County Employees

Description:

Authorizes differentials in pay for state and county employees who are exposed temporarily to unusually hazard working conditions, under certain conditions.

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