

JAN 15 2025

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 COVID-19 pandemic caused by SARS-CoV2 coronavirus displayed how
3 our world and humanity were ill-prepared to manage a worldwide
4 pandemic that caused over seven million deaths globally. Out of
5 this unexpected event, the legislature witnessed hundreds of
6 thousands of first responders, health care personnel, and
7 essential workers sacrifice their own health, safety, and
8 well-being to ensure that the people of our State could continue
9 to eat, live, and survive while world leaders battled with
10 determining effective prevention practices and treatments needed
11 to deal with the disease.

12 The legislature further finds that most effective
13 communication and practices were built on empathy, transparency,
14 equity, and respect. The legislature does not doubt that the
15 State will continue to face infectious disease challenges in the
16 future and finds that the State must therefore remain flexible



1 and capable of rapidly responding to new infectious disease
2 threats such as COVID-19.

3 The legislature also finds that a large number of state and
4 county employees contributed to this effort as first responders,
5 health care personnel, and essential workers. The legislature
6 additionally recognizes other second tier essential workers that
7 continued operations for the State's public educational system,
8 including public school teachers, educational officers, and the
9 faculty of the university of Hawaii. These individuals also
10 risked and sacrificed their own health, safety, and well-being
11 by returning to their workplaces despite recognized temporary
12 hazards.

13 Unfortunately, these second tier public employees were not
14 entitled to temporary hazard pay alongside their colleagues due
15 to a lack of contractually negotiated and agreed upon language
16 for temporary hazard pay in their respective collective
17 bargaining agreements. Therefore, these public employees
18 witnessed their colleagues in other bargaining units deservingly
19 receive recognition and compensation for returning to work under
20 hazardous conditions while themselves receiving no equitable
21 award.



1 The legislature finds that this inequity derived from a
2 contractual discrepancy does not embody the fairness, dignity,
3 and respect that should be provided to all public employees.
4 Moreover, temporary hazard pay was historically embedded in law
5 through section 77-11, Hawaii Revised Statutes. However,
6 Act 253, Session Laws of Hawaii 2000, repealed chapter 77,
7 Hawaii Revised Statutes, effectively negating the award of
8 temporary hazard pay to all public employees unless explicitly
9 covered under a collective bargaining agreement.

10 Accordingly, the purpose of this Act is to reinstate the
11 previous language held in section 77-11, Hawaii Revised
12 Statutes, to ensure that all public employees are treated
13 equitably in relation to temporary hazard pay, regardless of
14 collective bargaining agreements.

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

18 "§78- Hazard pay. Upon recommendation of a department
19 head, the director of human resources development in the case of
20 the State, or the director of civil service in the case of the
21 city and county of Honolulu or the respective personnel director



1 in the case of the counties of Hawaii, Maui, and Kauai, with the
2 approval of the civil service commission in the case of a
3 county, may grant differentials in pay for employees exposed
4 temporarily to unusually hazardous working conditions; provided
5 that the hazard has not already been recognized as a factor in
6 assigning classes to salary ranges. The pay differentials may
7 not exceed twenty-five per cent of the minimum rate of the
8 salary range and shall terminate six months after the date of
9 approval, unless terminated sooner. Requests for the renewal of
10 the differentials as originally approved by the civil service
11 commission may be granted by the respective director for periods
12 of no longer than six months at a time.

13 Differentials granted under this section shall be subject
14 to certification by the respective fiscal officers as to the
15 availability of funds for this purpose."

16 SECTION 3. New statutory material is underscored.

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

18

INTRODUCED BY: 



S.B. NO. 343

Report Title:

DHRD; Counties; Public Employees; Temporary Hazard Pay

Description:

Allows the Director of Human Resources Development and the Director's county counterparts, with the approval of the Civil Service Commission in the case of the county, to grant temporary hazard pay to public employees.

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