

ACT 16

A Bill for an Act Relating to Hours of Work of Public Employees.

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of facts constituting such urgency:

Section 1-43, Revised Laws of Hawaii 1955, as amended, which establishes State legal holidays, provides that (1) when a holiday falls on a Saturday and is observed as a national holiday, the preceding Friday shall be observed as a holiday. For public employees who are on a regular schedule that is other than a Monday through Friday schedule (i.e. for whom such Saturday is a regular workday), the statute is not clear as to whether they may be required to observe Saturday as a holiday rather than Friday as prescribed in section 1-43. A similar question arises with respect to that provision in said section 1-43 which provides that whenever a holiday falls on a Sunday the following Monday shall be observed as a holiday, and its application to those public employees for whom Sunday is a regular work day. There are also other aspects of holidays affecting pay and leave of public employees that should be cleared. It is in the public interest that public employees know the policy of the State thereon and that the proper manner of expenditure of public funds for compensation and leave purposes be made clear promptly. Accordingly, it is urgent that this bill be passed at this session.

SECTION 2. Paragraph (b) of section 5-72, Revised Laws of Hawaii 1955, as amended, is hereby further amended by deleting said paragraph and substituting the following in lieu thereof:

“(b) Except as otherwise provided in this section the normal work week of all government personnel shall be forty hours with not more than eight hours of work in any day. The normal work week shall be applicable to all such personnel, irrespective of whether their work is performed during the hours specified in section 5-70.

“For pay and leave purposes, if a legal holiday falls on a Saturday and the preceding Friday is observed as a holiday pursuant to section 1-43:

“(1) For employees whose regular work week does not include Saturday the work day preceding such Saturday shall be held and considered to be a legal holiday in lieu of such holiday which so occurs on such Saturday.

“(2) For employees whose regular work week includes Saturday, such holiday shall be observed on Saturday, but not on Friday.

“For pay and leave purposes, if a legal holiday falls on a Saturday and the preceding Friday is not observed as a holiday, employees whose regular work week includes Saturday shall be entitled to observe such holiday.

“For pay and leave purposes, if a legal holiday falls on a Sunday and the following Monday is observed as a holiday pursuant to section 1-43:

“(1) For employees whose regular work week does not include Sunday, the next regular work day following such Sunday shall be held and considered a legal holiday, in lieu of such holiday which so occurs on such Sunday.

“(2) For employees whose regular work week includes Sunday, such holiday shall be observed on Sunday, but not on Monday.

“For pay and leave purposes if a legal holiday falls on a regular weekly non-work day of any employee whose regular work week is other than Monday-Friday, the next work day following such regular weekly non-work day shall be held and considered to be a legal holiday for such employee in lieu of such day which so occurs on such regular weekly non-work day.”

SECTION 3. This Act shall take effect upon its approval.

(Approved April 20, 1964.) S.B. 62.
