

ACT 40

A Bill for an Act Relating to the Payment of Cash for Overtime Work of Public Officers and Employees.

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

SECTION 1. Purpose. Section 11 of Article III of the Constitution of the State of Hawaii provides for the consideration and enactment in a budget session of all urgency measures deemed necessary in the public interest. Said section 11 further provides that no urgency measure shall be considered unless a statement of facts constituting such urgency shall be set forth in a section thereof and until such section shall have been first approved by each house. Pursuant to said section 11 of Article III of the Constitution of the State of Hawaii, this Act is hereby declared to be an urgency measure deemed necessary in the public interest. The following is a statement of facts constituting such urgency:

Section 5-72 of the Revised Laws of Hawaii 1955, as amended by Act 164 of Session Laws of Hawaii 1961 and Act 256, S. L. H. 1965, provides for payment of cash for overtime work only when compensatory time off is not granted within thirty days.

This provision has compounded a difficult situation. When a public employee is required to work overtime because of the rush of work, he then must take compensatory time off within thirty days. If he is given time off, the already-rushed department then loses his services while he is on compensatory time off.

It would be in the public interest and in the interest of efficiency to provide for payment in cash for all overtime work.

SECTION 2. Paragraph (d) (4) of section 5-72 of the Revised

Laws of Hawaii 1955, as amended, and as amended by Act 256, Session Laws of Hawaii 1965, is hereby amended to read:

“(4) Any other provision herein to the contrary notwithstanding if any fire-fighting member of the fire departments of the political subdivisions of the State is required to report for duty on a legal holiday, he shall receive payment in cash at the rate of two times his regular rate of pay for all hours of duty. This double time payment shall include and not be in addition to his regular straight time pay.”

SECTION 3. Paragraph (i) of section 5-72 of the Revised Laws of Hawaii 1955, as amended by Act 164 of the Session Laws of Hawaii 1961, is hereby further amended to read:

“(i) The provisions of this section in regard to payment in cash shall be applicable in all cases except where the employee who has performed the overtime work elects, in writing, to take compensatory time off in lieu of cash. Such employee shall receive as compensatory time off one and one-half hours for each hour of overtime worked. Such compensatory time off shall be scheduled by mutual agreement of the affected employee and his appointing authority. All cash payments shall be made within 45 days after the overtime work is performed.”

SECTION 4. The sum of \$100,000 or so much thereof as may be necessary is hereby appropriated from the general revenues for the additional cost of payment in cash for overtime work for the period July 1, 1966 up to and including June 30, 1967; provided that the department of budget and finance shall report expenditures made from this appropriation during the next session of the legislature.

The appropriation made by this section shall be allotted by the director of finance to the several boards, commissions, officers of the State, and to county agencies whose functions were transferred to the State by Act 97, Session Laws of Hawaii 1965, or any extension thereof. It is provided that special, separate and federal fund monies shall be used to the maximum extent before state funds are utilized and that unexpended funds shall be returned to the state director of finance who shall deposit the same into the general fund.

SECTION 5. If any section, subsection, paragraph, sentence, clause, phrase or appropriation contained in this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act.

SECTION 6. This Act shall take effect on July 1, 1966.
(Approved April 27, 1966.) H.B. 526.