

**ACT 147**

**H.B. NO. 2406-84**

**A Bill for an Act Relating to the Job-Sharing Project in the Department of  
Education.**

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The following Acts are repealed:

- (1) Act 150, Session Laws of Hawaii 1978;
- (2) Act 134, Session Laws of Hawaii 1980;
- (3) Act 105, Session Laws of Hawaii 1981; and
- (4) Act 128, Session Laws of Hawaii 1982.

SECTION 2. Chapter 297, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§297- Job-sharing.** (a) A job-sharing program is established in the department subject to the requirements in this section.

(b) The superintendent of education shall announce the job-sharing program to all full-time, tenured, certificated personnel of the department excluding educational officers and shall solicit the voluntary requests of personnel interested in participating in the program.

The superintendent, in consultation with the recognized employee bargaining units, shall formulate and adopt guidelines for the implementation of this section. Employees who respond to the announcement and others who request information shall receive a full written description of the terms of the program when the guidelines are finalized, and those desiring to participate may apply to participate in the program. The employees who apply for participation shall obtain the concurrence of their immediate supervisor, other appropriate personnel officers, and the superintendent. Those who qualify then shall be interviewed by a personnel officer of the department.

Upon the selection of a permanent, full-time employee for job-sharing, the superintendent shall convert the position of the employee into two job-sharing positions, one of which shall be filled by the employee, and the other by the hiring of a new hire or by another tenured, certificated employee of the department, excluding any educational officer.

A person hired to fill a job-sharing position shall be recruited through this section and shall possess the minimum requirements of the full-time position which was converted into a job-sharing position under this section.

(c) Job-sharing is the voluntary sharing of a full-time, permanent employee's position with another employee, with each working one-half of the total number of hours of work required per week and performing one-half of the work required of the respective full-time position, and with each receiving one-half of the salary to which each is respectively entitled and at least one-half of each employee benefit afforded to full-time employees. Benefits that can be divided in half, such as the number of days of sick leave, and are considered to be an equitable share when divided, shall be computed on that basis. Benefits that cannot be divided, such as eligibility for membership in the public

employees' health plan shall be given to the job-sharers without such division, notwithstanding any contrary provision of chapter 87 or 88. The newly hired job-sharer shall be excluded from collective bargaining under chapter 89.

The full-time permanent employee shall not lose membership in an employee bargaining unit because of participation in this program, any law to the contrary notwithstanding. Union membership or service fees paid by the job-sharer under this section shall be at a level consistent with normal union membership dues or service fees. The State's contribution to the job-sharers' prepaid health, prepaid dental, and group life insurance plans shall be the same as for full-time employees, any other provision of the law to the contrary notwithstanding. Job-sharers shall be covered under chapter 386 and the applicable provisions of chapter 383. Service credit for the tenured teacher participating in the program under this section shall be given on the same basis as that for full-time employees. Nothing in this section shall be construed, however, to vest any person with any rights to permanent employment status, whether under civil service or otherwise, which did not exist prior to the participation of the person in the job-sharing program. The granting of tenure shall be under applicable statutes. No full-time position shall be abolished or reduced to a half-time position except for the purpose of job-sharing. In a reduction-in-force procedure, consideration of a job-sharer's tenure rights shall be on the same basis as that of a full-time employee. Nothing in this section shall impair the employment or employment rights or benefits of any employee.

(d) Tenured employees sharing full-time positions with other tenured employees shall not be required to relinquish their duty-free period. The job-sharing team shall submit to its principal a job-sharing proposal which preserves its duty-free period and meets the educational needs of its students. Where the job-sharing team cannot reach a reasonable scheduling agreement, the team may agree to waive its contractual rights by executing a contract waiver.

(e) Participation in the program shall require the commitment on the part of all parties to a contractual agreement for one year; provided that the employee shall be given the option to renew the contract for another year, subject to approval by the immediate supervisor and personnel officer of the department.

(f) No job-sharing position committed to a specified period of time under the terms of the contractual agreement shall be converted to full-time status before the termination of the contractual agreement. A job-sharing vacancy created by the resignation, retirement, or other permanent or temporary severance of employment with the department of education on the part of any person may be filled by the department either through recruitment of another person pursuant to this section, or increasing the remaining half-time job-sharing person to full-time employment by mutual agreement.

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(g) Upon the termination of contractual agreements, all job-sharing positions shall be renegotiated or reconverted to full-time positions, and the employees who held the full-time positions prior to their participation in the job-sharing program under this section shall be entitled to resume their positions without loss of previous tenure or other employee rights.”

**SECTION 3.** New statutory material is underscored.<sup>1</sup>

**SECTION 4.** All employees currently participating in the job-sharing pilot project under Act 150, Session Laws of Hawaii 1978, as amended by Act 134, Session Laws of Hawaii 1980, Act 105, Session Laws of Hawaii 1981, and Act 128, Session Laws of Hawaii 1982, shall continue in their positions under the provisions of this Act without any loss of benefits.

**SECTION 5.** This Act shall take effect on July 1, 1984.

(Approved May 24, 1984.)

### **Note**

1. Edited pursuant to HRS §23G-16.5.