

ACT 213

S.B. NO. 589

A Bill for an Act Relating to Public Employees.

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

SECTION 1. Section 77-13.5, Hawaii Revised Statutes, is amended to read as follows:

“§77-13.5 Conversion to appropriate salary ranges. (a) Any provision of law to the contrary notwithstanding, the chief executives of the State and counties and the chief justice of the supreme court, as appropriate, may [reduce] adjust the number of steps within the salary ranges under sections 77-5 and 77-13, as provided in this section]. In no event shall the number of steps be increased, except by action] with the approval of the state legislature.

(b) For employees in positions under this chapter who are included in bargaining units under chapter 89, the conversion to the adjusted salary ranges [with fewer steps] shall be subject to negotiations, at the option of the exclusive representative of an appropriate bargaining unit, but without resort to any impasse procedure [whether by statute or agreement;] under section 89-11(d); provided the option is exercised in accordance with [subsections] subsection (c) [and (d)]. For employees in positions under this chapter who are excluded from collective bargaining units, the conversion shall be subject to chapter 89C and subsection [(e).] (d).

(c) Each exclusive representative may exercise the option to negotiate a model conversion plan regarding [a reduction] an adjustment in the number of steps within the salary ranges under section 77-5 or 77-13, as applicable, for positions within its appropriate bargaining unit, by notifying the appropriate employers of its intent in writing. The employers and the exclusive representative shall meet for the purpose of developing a mutually agreeable conversion plan [which meets the requirements of subsection (d)]. Any such plan mutually agreed upon shall be reduced to writing and signed by the parties before [December 31, 1983.] June 30, 1987. The plan shall be binding upon the parties, except that all costs relative to the conversion shall be subject to approval and appropriations by the appropriate legislative bodies, along with negotiated pay increases and other cost items, as required under section 89-10(b). In the absence of a mutually agreed upon model conversion plan before [December 31, 1983] June 30, 1987, for any particular bargaining unit, wage negotiations for such unit shall be based on the existing salary ranges and steps as provided in section 77-5 or 77-13, as applicable.

[(d) Any model conversion plan agreed to between the employers and the exclusive representative shall contain the following:

- (1) An agreement that the objective of the conversion plan is to reduce the number of steps within each salary range under section 77-5 or

77-13, as applicable, for positions within the appropriate bargaining unit, to a specific number of steps.

- (2) An agreement that the model conversion plan shall remain in effect and shall not be modified except by written mutual agreement of the parties.
- (3) An agreement that during the fiscal year commencing July 1, 1983, and each subsequent fiscal year, at least one step shall be deleted from the salary ranges until the salary ranges are reduced to such number of steps mutually agreed upon under paragraph (1).
- (4) An agreement that all negotiations on wages, to be effective July 1, 1983 and subsequently, shall be based on the model conversion plan and that no other pay rates shall be negotiated, other than those rates for the number of steps allowable under paragraph (3) or such fewer number of steps as mutually agreed upon between the parties.
- (5) An agreement that all employees in bargaining unit positions subject to this chapter shall be paid, commencing July 1, 1983, in accordance with the rates negotiated for the steps on the revised salary schedule within their applicable salary ranges.
- (6) An agreement regarding the adjusting of employees' pay from their existing rates to those rates negotiated for the steps on the revised salary schedule within their applicable salary ranges; provided that such an agreement may contain a provision for the payment of a bonus or conversion differential if it is not to be considered as an adjustment to an employee's basic pay rate.

The parties shall not agree to a conversion plan which does not meet the requirements of this section nor agree to any amendments which would be inconsistent with this section.

(e) (d) The chief executives of the State and the counties and the chief justice of the supreme court, as applicable, may [reduce] adjust the number of steps within the salary ranges under sections 77-5 and 77-13 for positions excluded from collective bargaining coverage. Their designated representatives shall review the model conversion plans applicable to employees included in collective bargaining units before reaching a decision under section 89C-3 concerning adjustments regarding [a reduction in] the number of steps for excluded employees; provided that any [reduction] adjustment in the number of steps for excluded employees shall harmonize with the model conversion plans developed for included employees; provided further that if a model conversion plan is not developed for employees included in a collective bargaining unit, there shall be no [reduction] adjustment in the number of steps for excluded employees under the same compensation plan as the employees included in that bargaining unit. The costs of [reducing] adjusting the salary ranges [to fewer steps] and any other general pay adjustments shall be subject to approval and appropriations by the appropriate legislative bodies in accordance with section 89C-5."

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

"§297-33.5 Conversion to appropriate salary ranges. (a) Any provision of law to the contrary notwithstanding, the board of education may adjust the number of steps within the salary ranges under section 297-32, 297-32.1, 297-33, or 297-33.1, as provided in this section with the approval of the state legislature.

(b) For employees in positions under this chapter who are included in bargaining units under chapter 89, the conversion to the adjusted salary ranges

shall be subject to negotiations, at the option of the exclusive representative of an appropriate bargaining unit, but without resort to any impasse procedure under section 89-11(d); provided the option is exercised in accordance with subsection (c). For employees in positions under this chapter who are excluded from collective bargaining units, the conversion shall be subject to chapter 89C and subsection (d).

(c) Each exclusive representative may exercise the option to negotiate a model conversion plan regarding an adjustment in the number of steps within the salary ranges under section 297-32, 297-32.1, 297-33, or 297-33.1, as applicable, for positions within its appropriate bargaining unit by notifying the board of education of its intent in writing. The board of education and the exclusive representative shall meet for the purpose of developing a mutually agreeable conversion plan. Any such plan mutually agreed upon shall be reduced to writing and signed by the parties before June 30, 1987. The plan shall be binding upon the parties, except that all costs relative to the conversion shall be subject to approval and appropriations by the state legislature, along with negotiated pay increases and other cost items, as required under section 89-10(b). In the absence of a mutually agreed upon model conversion plan before June 30, 1987, for any particular bargaining unit, wage negotiations for such unit shall be based on the existing salary ranges and steps as provided in section 297-32, 297-32.1, 297-33, or 297-33.1, as applicable.

(d) The board of education may adjust the number of steps within the salary ranges under section 297-32, 297-32.1, 297-33, or 297-33.1 for positions excluded from collective bargaining coverage. The board's designated representative shall review the model conversion plans applicable to employees included in collective bargaining units before reaching a decision under section 89C-3 concerning adjustments regarding the number of steps for excluded employees; provided that any adjustment in the number of steps for excluded employees shall harmonize with the model conversion plans developed for included employees; provided further that if a model conversion plan is not developed for employees included in a collective bargaining unit, there shall be no adjustment in the number of steps for excluded employees under the same compensation plan as the employees included in that bargaining unit. The costs of adjusting the salary ranges and any other general pay adjustments shall be subject to approval and appropriation by the state legislature in accordance with section 89C-5."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

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

(Approved June 4, 1985.)

Note

1. Edited pursuant to HRS §23G-16.5.