

A Bill for an Act Relating to Public Officers and Employees.

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

SECTION 1. The legislature finds that the increasing mobility of society, changing patterns of socioeconomic needs and values, and the economic realities of life in Hawaii require consideration of innovative approaches to ensure the availability of flexible employment opportunities to meet the varying needs of Hawaii's people. Job-sharing, which would provide half-time positions in place of full-time positions, is an innovation that will increase available employment options so that people may be employed on the basis of their financial or other needs, such as raising a family, without the necessity of being employed on a full-time basis, or perhaps, the necessity of resigning from full-time employment.

The legislature further finds that the success of the pilot projects in the department of education and the libraries, warrants further expansion of the job-sharing concept to other departments. Moreover, implementation of job-sharing may create a more stimulating and healthy environment for employees in their professional capacities, especially for those who are faced with the dilemma of desiring to spend more time with their families without totally leaving the job market. In addition, the implementation of this project for employees would allow them more time to pursue additional training and education, further benefiting the citizens of the State.

The purpose of this Act is to establish a voluntary job-sharing pilot project for all permanent, full-time employees belonging to units 2, 3, 4, 8 and 13 of the executive branch, the judicial branch, the department of education, the University of Hawaii, the legislative reference bureau, the legislative auditor, and the office of the ombudsman; other than persons allowed to job-share under sections 297-12.5 and 312-7, and Act 73, Session Laws of Hawaii 1986.

SECTION 2. **Establishment of a job-sharing pilot project.** There is established a four-year job-sharing pilot project to be conducted by the executive branch, the judicial branch, the department of education, the University of Hawaii, the legislative reference bureau, the legislative auditor, and the office of ombudsman (hereinafter referred to as "participants"), at their option, for the fiscal years 1990-1991 to 1993-1994; provided that none of them shall implement the pilot project without first carefully developing its plans, procedures, and guidelines. Each participant shall initiate the project within one month of establishing the final guidelines or, to the extent practicable, during the fiscal year 1990-1991, to allow sufficient notice for recruitment.

"Job-sharing," for the purpose of this Act, means the voluntary, equal division of one full-time permanent position between two employees, each performing one-half of the work required for the permanent position. The two half-time permanent positions resulting from the division of one full-time position shall constitute two job-sharing positions.

Each participant shall devote not more than one hundred fifty permanent positions to job-sharing, pursuant to this Act. Each work site shall be given the opportunity to participate. The participants shall administer the pilot project established by this Act and, in consultation and agreement with the representatives of the appropriate bargaining units, shall adopt guidelines for implementation of this Act.

**SECTION 3. General requirements.** The following shall constitute general requirements of the pilot project conducted within each participant and shall be followed in the implementation of this Act:

- (1) The directors of each of the participants shall announce the pilot project to all of their full-time, regular employees and shall solicit the voluntary requests of the personnel who may be interested in participating in the job-sharing pilot project.
- (2) Each director, in consultation and agreement with the representatives of the appropriate bargaining units, shall formulate and adopt guidelines for the implementation of this Act.

Employees who respond to the announcement and others who request information shall receive a full written description of the terms of the pilot project when the guidelines are finalized and those desiring to participate may apply to participate in the project. The employees who apply for participation shall obtain the concurrence of their immediate supervisor, other appropriate personnel officers, and the director of each of the participants.

Those who qualify then shall be interviewed by the participant's personnel officer or other appropriate individual. Participation shall be for fiscal years 1990-1991 to 1993-1994, except as provided in paragraph (6). It is recommended that not more than fifty per cent of the eligible personnel at any work site be accepted to participate in the project. It is further recommended that when sufficient eligible applicants are available, not less than twenty-five per cent of the personnel at any work site be accepted to participate in the project.

- (3) Upon the selection of a permanent, full-time employee for job-sharing under this Act, the director of each participant, for the purposes of this Act, shall convert the position of the employee into two job-sharing positions, one of which shall be filled by the employee, and the other which shall be filled by either another permanent employee or a person hired under this Act.
- (4) Persons hired to fill job-sharing positions shall be recruited in accordance with this Act; provided that any person hired for a job-sharing position shall possess the minimum requirements of the full-time position, which was converted to job-sharing positions under this Act.
- (5) "Job-sharing," for the purpose of this Act, 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 month, and 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.

The full-time, permanent employee shall not lose membership in an employee bargaining unit because of participation in this project, any law to the contrary notwithstanding. Union membership or service fees paid by job-sharers under this Act shall be at a level consistent with normal union membership dues or service fees.

The State's contribution to a job-sharer's prepaid health, prepaid dental, and any 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, Hawaii Revised Statutes, and the applicable provisions of chapter 383, Hawaii Revised Statutes.

Service credit for permanent employees participating in the pilot project under this Act shall be given on the same basis as that for full-time employees.

Nothing in this Act 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 pilot project. No full-time position shall be abolished or reduced to a half-time position as a result of this Act, except for the purpose of job-sharing, and only for the time allowed for the project by this Act. In a reduction-in-force procedure, consideration of a job-sharer's retention points shall be on the same basis as that of a full-time employee. Nothing in this Act shall impair the employment or employment rights or benefits of any employee.

- (6) Participation in the pilot project shall require the commitment on the part of all parties to a contractual agreement; provided that the employee shall be given the option to contract one or more years.
- (7) No job-sharing position created under this Act and committed for a specific 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 any department on the part of any person shall not be converted to full-time status until termination of the contractual agreement and shall be filled immediately through recruitment of another person pursuant to this Act.
- (8) Upon the termination of contractual agreements under this Act, all job-sharing positions shall be reconverted to full-time positions, and the employees who held the full-time positions prior to their participation in the pilot project shall be entitled to resume their positions without loss of any employee rights.

**SECTION 4. Duties.** The office of the legislative auditor shall monitor and evaluate the pilot project, with particular regard to the efficacy of the job-sharing concept, and shall evaluate factors such as turnover rates, absenteeism, productivity, morale, and demographic factors such as ethnicity, sex, and age composition of participants, and other pertinent data. The office of the legislative auditor shall, among other analyses, identify factors that facilitated or made more difficult the implementation of this Act.

The office of the legislative auditor shall submit status reports on its findings to the legislature prior to the convening of the regular sessions of 1991, 1992, and 1993 and shall submit a report to the legislature on its findings and recommendations prior to the convening of the regular session of 1994.

**SECTION 5.** This Act shall take effect upon its approval.

(Approved June 8, 1989.)