

ACT 276

H.B. NO. 3954

A Bill for an Act Relating to the University of Hawaii.

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

SECTION 1. Section 304-34, Hawaii Revised Statutes, is amended to read as follows:

“§304-34 Center for labor education and research. [The center for labor-management education] There is established at the University of Hawaii, [Manoa campus, is re-designated and established as] West Oahu campus, the center for labor education and research. The center shall:

- (1) [provide] Provide credit and non-credit labor [education instruction,] studies courses, and labor-related research and educational services for workers and their organizations;
- (2) [provide] Provide labor-related education to the public;
- (3) [advise] Advise and assist in the development and implementation of labor-related instructional programs, courses, and activities for use within the department of education, including teacher preparation therefor;
- (4) [advise and assist in the development and implementation of] Develop and implement a labor studies degree program or programs in the University of Hawaii system; and
- (5) [be] Serve as the clearinghouse for labor education matters in the State.

The center shall be located in and be a part of the [college of continuing education and community services of the University of Hawaii, Manoa campus] University of Hawaii, West Oahu. The affairs and operations of the center shall be administered by a director appointed by and responsible to the [dean of such college. The center shall utilize the smallest practicable permanent staff for its direction and operation and it] chancellor of the University of Hawaii, West Oahu. The center shall draw on existing personnel within the state government insofar as possible for necessary supplementation. Where [bonafide demands] bona fide demand for programs and services [exceed] exceeds the capabilities of the permanent staff as supplemented, additional personnel resources may be acquired on a contract basis

without regard to chapters 76 and 77. Permanent staff shall be covered by chapters 76 and 77, or section 304-13, as may be appropriate.

The center shall receive the full cooperation of all state agencies in the use of staff members, facilities, and other resources necessary to accomplish the purposes of this part."

SECTION 2. Section 304-35, Hawaii Revised Statutes, is amended to read as follows:

"§304-35 Functions and programs. (a) In consultation with the labor education advisory council, the center shall:

- (1) [develop a systematic, long-range labor education program for implementation during fiscal year 1976-77;
- (2) coordinate,] Coordinate, arrange for, or conduct evaluation of existing center programs of instruction for refinement, develop new courses of instruction, and plan their implementation on a continuing basis;
- [(3) coordinate,] (2) Coordinate, arrange for, or conduct instructional programs including classes, courses, workshops, seminars, and research studies or projects;
- [(4) coordinate,] (3) Coordinate, arrange for, or provide technical assistance to trade unions to improve or implement labor education programs within their organizations;
- [(5) prepare] (4) Prepare and disseminate educational information and publications on various subjects of concern and interest to workers and their organizations;
- (5) Develop or acquire the means necessary to offer credit and non-credit labor studies programs via distance education throughout the State;
- (6) [develop] Develop or acquire and promote the dissemination of labor-related information and programs through the various public media (radio, [TV,] television, newspapers, public and private organizations, clubs, etc.); and
- (7) [coordinate,] Coordinate, arrange for, or conduct credit and non-credit teacher preparation classes to enable relevant and reliable department of education instruction in labor-related educational courses, programs and activities.

(b) Notwithstanding chapters 42D, 103, and 103D, the director of the center may limit the center's contracts for any publication and stationery work that may be necessary to accomplish the aims described in subsection (a) to contractors whose employees are represented by a representative duly elected under applicable federal or state labor laws for collective bargaining purposes."

SECTION 3. Section 304-36, Hawaii Revised Statutes, is amended to read as follows:

"§304-36 Labor education advisory council. There is established a labor education advisory council, consisting of not more than fifteen members, broadly representative of the trade union movement in the State, who shall be appointed by the president of the university. The council shall be advisory to the [dean of the college of continuing education and community service] chancellor on all activities and programs of the center and shall assist the [dean] chancellor in the assessment and evaluation of program needs for implementation. Members of the council shall designate its chairperson and shall serve without compensation; provided, however, that such actual traveling and other expenses incurred in the performance of their duties shall be advanced or reimbursed."

SECTION 4. Section 304-37, Hawaii Revised Statutes, is amended to read as follows:

“§304-37 Revolving fund. There shall be established a revolving fund to be known as the center for labor education and research revolving fund, for use by the director of the center with the approval of the [dean of the college of continuing education and community services] chancellor or vice chancellor in carrying out the purposes of the center. All fees, charges, and other moneys collected in conjunction with the operations of the center shall be deposited in the revolving fund. Such amounts shall be expended from the fund by the director of the center as may be necessary to defray the cost of operating the center, excluding compensation of the permanent staff, but including contractual obligation, rentals, and such other program costs as approved by the [dean] chancellor or vice chancellor.”

SECTION 5. The current staffing and funding of the center shall be transferred to the University of Hawaii, West Oahu.

SECTION 6. All officers and employees whose functions are transferred by this Act shall be transferred with their functions and shall continue to perform their regular duties upon their transfer, subject to the state personnel laws and this Act.

No officer or employee of the State having tenure shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this Act, and such officer or employee may be transferred or appointed to a civil service position without the necessity of examination; provided that the officer or employee possesses the minimum qualifications for the position to which transferred or appointed; and provided that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

Any officer or employee of the State who does not have tenure and who may be transferred or appointed to a civil service position as a consequence of this Act shall become a civil service employee without the loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefits or privileges and without the necessity of examination; provided that such officer or employee possesses the minimum qualifications for the position to which transferred or appointed.

If an office or position held by an officer or employee having tenure is abolished, the officer or employee shall not thereby be separated from public employment, but shall remain in the employment of the State with the same pay and classification and shall be transferred to some other office or position of which the officer or employee is eligible under the personnel laws of the State as determined by the head of the department or the governor.

SECTION 7. All current appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the University of Hawaii relating to the functions transferred to the center for labor education and research shall be transferred with the functions to which they relate.

SECTION 8. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 9. This Act shall take effect on July 1, 1996.

(Approved June 18, 1996.)