

ACT 159

S.B. NO. 24

A Bill for an Act Relating to Public Employment.

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

SECTION 1. The purpose of this Act is to enable public agencies to conduct experimental modernization projects this year instead of waiting for the Civil Service Reform Act (Act 253, Session Laws of Hawaii 2000) to take effect in July 2002.

It is the legislative intent that:

- (1) The state or county agency responsible for the implementation or enforcement of state or county personnel laws and rules within their respective jurisdiction shall provide the agency conducting its experimental modernization project with full cooperation in carrying out a project authorized pursuant to this Act; and

- (2) The agency conducting its experimental modernization project shall not be subject to state and county personnel laws and rules in carrying out the purposes of this Act.

SECTION 2. Definitions. As used in this Act, unless the context clearly requires otherwise:

“Appointing authority” means a department head or designee having the power to make appointments or changes in the status of employees.

“Chief executive” means the governor, the respective mayors, the chief justice of the supreme court, and the chief executive officer of the Hawaii health systems corporation. It may include the superintendent of education and the president of the University of Hawaii with respect to their employees on any matter that applies to employees in general, including employees who are not covered by this chapter.

“Director” means the head of the central personnel agency for a jurisdiction regardless of title, whether it is the director of human resources development, director of personnel, director of personnel services, or personnel director.

“Employee” means any person holding a position in the service of a jurisdiction, irrespective of status or type of appointment; provided that if the context clearly applies only to an employee who is a member of the civil service, “employee” means a civil service employee.

“Employer” means the governor in the case of the State, the respective mayors in the case of the counties, the chief justice of the supreme court in the case of the judiciary, the board of education in the case of the department of education, the board of regents in the case of the University of Hawaii, the Hawaii health systems corporation board in the case of the Hawaii health systems corporation, and any individual who represents one of the employers or acts in their interest in dealing with public employees. In the case of the judiciary, the administrative director of the courts shall be the employer in lieu of the chief justice for purposes which the chief justice determines would be prudent or necessary to avoid conflict.

“Jurisdiction” means the State, the city and county of Honolulu, the county of Hawaii, the county of Maui, the county of Kauai, the judiciary, the department of education, the University of Hawaii, and the Hawaii health systems corporation.

SECTION 3. Experimental modernization projects. (a) It is the intent of this Act to encourage and facilitate improvements in the human resource programs of the several jurisdictions. With the approval of the chief executive, the director may conduct experimental modernization projects to determine whether specific changes in its human resource program would result in a more desirable program for the jurisdiction.

(b) Prior to the implementation of any experimental modernization project, the director shall:

- (1) Develop a plan identifying the purposes of the project, the methodology to be used, the duration of the project, the criteria for evaluation of the project, and the cost of the project, if any;
- (2) Consult with the employees who would be involved in the conduct of the project; and
- (3) Negotiate with the exclusive representative if a modification or waiver of any provision in a collective bargaining agreement is necessary to conduct the project.

(c) While the project is in progress, it shall not be limited by state or local personnel laws and rules, but shall be in compliance with all equal employment opportunity laws and laws prohibiting discrimination.

SECTION 4. This Act shall take effect upon its approval and shall be repealed on June 30, 2002.

(Approved May 25, 2001.)