H.B. NO. **[919**

A BILL FOR AN ACT

RELATING TO PUBLIC OFFICERS AND EMPLOYEES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 89C-1.5, Hawaii Revised Statutes, is amended by amending the definition of "appropriate authority" to 2 read as follows: 3

""Appropriate authority" means the governor, the respective 4 mayors, the chief justice of the supreme court, the board of 5 6 education, the board of regents, the Hawaii health [+]systems[+] 7 corporation board, the auditor, the ombudsman, [and] the 8 director of the legislative reference bureau [-,], and the 9 directors, boards, or executive heads of executive departments. These individuals or boards may make adjustments for their 10 respective excluded employees." 11 12 SECTION 2. Section 89C-2, Hawaii Revised Statutes, is amended to read as follows:

"§89C-2 Adjustments authorized; limitations, restrictions. 14 Each appropriate authority may make adjustments for their 15 16 respective excluded employees subject to the following

guidelines and limitations: 17



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Page 2

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H.B. NO. 1979

1	(1)	The compensation of excluded employees, whose pay is
2		presently limited or fixed by legislative action, or
3		prescribed by a salary commission, shall not be
4		adjusted under this chapter and shall continue to be
5		limited or fixed by the respective legislative body or
6		salary commission;
7	(2)	The compensation of excluded employees exempt from
8		civil service coverage, whose pay is set at the
9		discretion of the appointing authority, shall continue
10		to be adjusted at the discretion of the appointing
11		authority from funds allowed for this purpose;
12	(3)	Any adjustment made for excluded civil service
13		employees shall be consistent with the merit principle
14		and shall not diminish any rights provided under
15		chapter 76;
16	(4)	For excluded employees under the same classification
17		systems as employees within collective bargaining
18		units, adjustments shall be not less than those
19		provided under collective bargaining agreements for
20		employees hired on a comparable basis;
21	(5)	For excluded employees other than those under

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paragraph (4), adjustments shall, to the extent



Page 3

H.B. NO. 1919

1	·	practicable, uniformly apply to every excluded	
2		employee within a homogeneous grouping, such as,	
3		cabinet members or managerial employees, to ensure	
4		fairness. This does not preclude variable adjustments	
5		based on performance or other job criteria and	
6		specific adjustments warranted based on the nature of	
7		work performed or working conditions; and	
8	(6)	No adjustment shall be made in benefits provided under	
9		chapter 88 unless specifically authorized by that	
10		chapter, or with respect to any other matter that the	
11		legislature may specifically prohibit or limit by law.	
12	Notwithstanding the foregoing guidelines and limitations, an		
13	appropriate authority may withhold or alter the benefits		
14	packages of excluded employees who are exempt from civil service		
15	in exchange for compensation that exceeds the compensation for		
16	civil service employees who receive those withheld or altered		
17	benefits."		
18	SECTION 3. Section 89C-4, Hawaii Revised Statutes, is		
19	amended to read as follows:		
20	"§89	C-4 Adjustments for excluded employees exempt from	
21	civil ser	vice. Each appropriate authority shall determine the	
22	adjustmen	ts that are relevant for their respective excluded	
	HB LRB 14	-0134.doc	

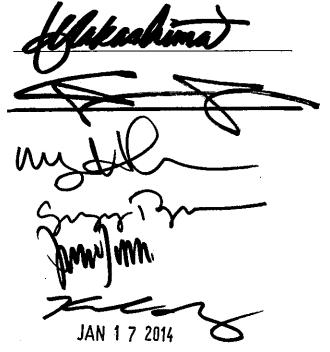
Page 4

13

H.B. NO. 1919

1 employees who are exempt from civil service in consideration of the compensation and benefit packages provided for other 2 employees in comparable agencies. In making this determination, 3 an appropriate authority may alter benefit packages in exchange 4 5 for compensation that exceeds compensation for civil service 6 employees who receive those benefits. For executive/managerial 7 positions in the University of Hawaii system filled by excluded employees, proposed compensation or change in compensation shall 8 be disclosed in open meeting for purposes of public comment." 9 10 SECTION 4. Statutory material to be repealed is bracketed 11 and stricken. New statutory material is underscored. 12 SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY:





H.B. NO. 1979

Report Title:

Public Officers and Employees Excluded from Collective Bargaining; Salaries and Benefits

Description:

HB LRB 14-0134.doc

Authorizes the directors of all state departments to withhold or alter the benefits packages of excluded employees who are exempt from civil service in exchange for higher compensation.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.