

ACT 70

H. B. 280.

A Bill for an Act Relating to Leahi Hospital and Making an Appropriations.

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

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

The State of Hawaii provides approximately ninety-seven per cent of the operating budget of Leahi Hospital. Although Leahi Hospital conducts health programs under contract with the State, its employees are not employees of the State. This is an inequity and it is urgent and in the public interest that these employees, who in essence perform services for the State, be made employees of the State so that they may enjoy the full benefits of such employment.

SECTION 2. Definitions. The following words shall have the following meanings:

“Department” means the University of Hawaii.

“Hospital” means the Leahi Hospital.

SECTION 3. Transfer. The employees of the hospital employed on the effective date of this Act are transferred to the department and shall thereafter be state employees and enjoy all of the rights, privileges and benefits and be subject to the duties and responsibilities of employees of the State.

SECTION 4. Civil service; compensation. The director of personnel shall determine the applicability of chapters 3 and 4, Revised Laws of Hawaii 1955, to the transferred employees. Employees whose compensation at the time of transfer is in excess of compensation provided under these chapters shall be retained by the department, without loss of compensation.

SECTION 5. Vacation; sick leave. Upon certification by the hospital of accumulated and earned vacation and sick leave, the transferred employees shall be credited, under chapter 5, Revised Laws of Hawaii 1955, with their accumulated and earned vacation and sick leave to the extent that public employees are allowed to earn and accumulate these credits.

SECTION 6. Retirement system. Upon the transfer, the employees shall be admitted to membership in the retirement and post-retirement systems provided for in chapter 6, Revised Laws of Hawaii 1955. Upon certification of years of service and the transfer of funds in the hospital's retirement plan to the state retirement system by the hospital, all transferred employees shall be given prior service credits under chapter 6 for their years of service at the hospital. The amount of any state retirement system benefit paid to an employee transferred by this Act for this prior service shall in no case be less than the employee would have received under the hospital's retirement plan.

SECTION 7. Citizenship; residency. The requirements as to citizenship and residency in section 5-1, Revised Laws of Hawaii 1955, shall not apply to employees transferred from the hospital to the department.

SECTION 8. Plan for acquisition of property. The department, in conjunction with the attorney general, shall develop a plan for acquisition of the real and personal property of the hospital not presently owned by the State and shall present this plan to the fifth legislature twenty days before the commencement of the regular session of 1969. Nothing in this section shall be deemed to prohibit the acceptance by the State of any property of the hospital which may be donated or conveyed to it or to prohibit the commencement of any proceeding in eminent domain or other action to acquire the property of the hospital.

SECTION 9. Appropriation. There is appropriated out of the general revenues of the State the sum of \$113,746, or so much thereof as may be necessary, to be expended by the department for the purposes of this Act.

SECTION 10. Effective date. This Act shall, upon its approval, take effect on January 1, 1969.
(Approved May 9, 1968.)