

ACT 194

S.B. NO. 140

A Bill for an Act Relating to Public Employment.

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

SECTION 1. Chapter 78, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read:

“Sec. 78- Officers and employees excluded from collective bargaining; adjustment of compensation, hours, terms and conditions of employment, and other benefits. Any provision of law to the contrary notwithstanding, the compensation, hours of work, benefits, and terms and conditions of employment of public officers and employees, who are excluded from collective bargaining,

shall be adjusted by the chief executives of the State or counties, the board of education or the board of regents, provided that for those employees with equivalent or identical positions with public employees within the collective bargaining agreements under chapter 89 such adjustments shall be not less than those granted to those employees within the collective bargaining agreements.

No adjustments in compensation shall be made hereunder for officers or employees whose compensation presently is established by the constitution, statutes or county charters and ordinances, other than chapters 77, 297, or 304.

No adjusted compensation established pursuant to this section shall exceed the compensation established by law as follows:

- (1) For officers and employees covered by chapters 77 and 297, ninety-five per cent of the compensation established by section 26-53 for the first deputy or first assistant; and
- (2) For officers and employees covered by chapter 304, ninety-five per cent of the compensation established by section 26-52(2) for the president of the University of Hawaii; provided that an officer or employee who is receiving on the effective date of this Act a salary in excess of ninety-five per cent of the salary paid to the president of the University of Hawaii, shall continue to receive the salary so long as he remains in the same position or until such time as the salary of the president is sufficiently increased to authorize adjustments to the officer's or employee's salary.

No adjustment in compensation, hours, terms and conditions of employment or benefits shall be established which is in conflict with the system of personnel administration based on merit principles and scientific methods governing the classification of positions and the employment, conduct, movement, and separation of public offenders and employees.

The directors of personnel services of the State and counties, the superintendent of education, and the president of the University of Hawaii shall recommend adjustments to the chief executives of the State or counties or to the board of education or the board of regents, respectively. The conference of personnel directors shall confer prior to the submittal of any recommended adjustment by each director to his chief executive. Such adjustments and their effective dates shall be uniform, if practicable, with public employees within the collective bargaining agreements under Chapter 89. Any adjustments adopted by the board of education or the board of regents shall be subject to the approval of the governor.

Any adjustment in compensation, hours, terms and conditions of employment or benefits made pursuant to this section, and any appropriations which are necessary to provide the compensation, hours, terms and conditions of employment and benefits for the employment of the employees covered by this section, shall be subject to approval or rejection as a whole by the appropriate legislative body. Nothing in this section shall be construed to permit the chief executives of the State or counties, the board of education or the board of regents to make any adjustments in compensation, hours, terms and conditions of employment and other benefits, nor to use funds for purposes of this section which have been appropriated for purposes other than for compensation, hours,

terms and conditions of employment and benefits, without the prior approval of the appropriate legislative bodies.”

SECTION 2. Section 78-18, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 78-18 Limitation on salary of employees and certain officers. Except as provided in section 78- , in fixing the compensation of officers and employees in the government service, the appropriate officials shall give due consideration to the limitations prescribed in sections 26-53 and 46-24 and shall fix the salaries of the officers and employees so that such salaries will bear a reasonable relation to the salaries of the department heads and first deputies and first assistants. Anything to the contrary notwithstanding, no subordinate employee, except as provided in section 78- , shall receive after June 2, 1959, a salary which exceeds the salary paid to his department head or to the first deputy or first assistant to the department head; provided that an employee who is receiving on June 2, 1959, a salary in excess of the salary paid to his department head or to the first deputy or first assistant to the department head shall continue to receive the salary so long as he remains in the same position, or until such time as the salaries of his department head or the first deputy or first assistant are sufficiently increased to authorize adjustments to the employee’s salary.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 4. This Act shall take effect upon its approval.

(Approved June 8, 1977.)

*Edited accordingly.