

A Bill for an Act Relating to Intergovernmental Transfer of Employees.

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

SECTION 1. Chapter 83, Hawaii Revised Statutes, is amended by amending the chapter title to read as follows:

**“CHAPTER 83
TEMPORARY INTERGOVERNMENTAL ASSIGNMENT
OF PUBLIC EMPLOYEES”**

SECTION 2. Section 83-2, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 83-2 Authority for temporary intergovernmental assignment of employees. (a) Any unit of government of this State, whether a State or county department, agency, or instrumentality or the judiciary, may participate in any program of temporary intergovernmental assignment of employees as a sending or receiving agency.

(b) The period of each temporary intergovernmental assignment shall not exceed two years; provided that an extension of up to two additional years may be granted by the director of personnel services of the State, the director of civil service of a county or the administrative director of the courts for officers and employees of the respective jurisdictions. An agreement may be made between the sending and receiving agencies on matters relating to a temporary intergovernmental assignment, including but not limited to, the supervision of duties, the costs of salary and benefits, and travel and transportation expenses, none of which shall be contrary to the provisions of this chapter. Elected officials shall not be assigned from a sending agency nor detailed to a receiving agency. It shall not be mandatory for any employee to participate in any temporary intergovernmental assignment.

SECTION 3. Section 83-3, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 83-3 Rules. The director of personnel services of the State, the civil service commission of a county and the administrative director of the courts shall

adopt, for its respective jurisdiction, rules pursuant to chapter 91 necessary for the purposes of this chapter.”

SECTION 4. Chapter 83, Hawaii Revised Statutes, is amended by adding new sections to be appropriately designated and to read as follows:

“**Sec. 83- Status of employees of this State.** When any unit of government of this State is the sending agency, its employee on a temporary intergovernmental assignment may be considered to be (1) on detail to a regular work assignment or (2) on leave of absence without pay from his position.

- (1) Detail. An employee on detail shall remain an employee of the sending agency and, as such, be entitled to all rights and benefits.
- (2) Leave of absence without pay. An employee on leave of absence without pay shall be entitled to the same rights and benefits as any other employee of the sending agency on leave of absence without pay, and to the following:
 - (A) Credit for the period of temporary intergovernmental assignment towards his retirement;
 - (B) Continuance of health fund benefits and contributions if none are provided by the receiving agency;
 - (C) Supplemental pay equal to the difference between the sending and receiving agencies’ rates of pay if the receiving agency’s pay is less than what the employee would have received if he had continued in his regular position;
 - (D) Compensation for disability or death resulting from personal injury arising out of and in the course of the temporary intergovernmental assignment, as though he were an employee on detail from the sending agency, unless the employee, his estate or survivor elects, instead, to receive compensation from the receiving agency’s program for such death or disability;
 - (E) Annual leave if the period of assignment is for one year or longer.

Sec. 83- Status of employees of other governments. When any unit of government of this State is the receiving agency, an employee of another government may be (1) considered to be on detail to the receiving agency or (2) given an appointment in the receiving agency.

- (1) Detail. An employee of another government on detail shall not be considered an employee of the receiving agency and may not receive a wage or salary from the receiving agency; provided that compensation for disability or death resulting from personal injury arising out of and in the course of the temporary intergovernmental assignment may be granted to the employee, as though he were an employee of the receiving agency, unless the employee, his estate or survivor elects, instead, to receive compensation from the sending agency’s program for such disability or death.
- (2) Appointment. An employee of another government on a temporary intergovernmental assignment may be given an appointment by the receiving agency, without regard to the laws and regulations governing

its selection and appointment to positions, and may be granted rights and benefits as other employees appointed by the receiving agency.

Sec. 83- Salary and benefit costs. Whenever a unit of government of this State will benefit from the temporary intergovernmental assignment, it may pay for or reimburse the other government for the costs of salary and benefits for an employee on such an assignment, or a portion of such costs, by agreement between the sending and the receiving agencies, provided that, the agreement shall not diminish any rights or benefits to which an employee of this State is entitled to under this chapter.

Sec. 83- Travel and transportation expenses. Whenever any unit of government of this State will benefit from a temporary intergovernmental assignment, it may, in accordance with applicable statutes and rules, pay for or reimburse another government for travel and transportation expenses of an employee on such an assignment, or a portion of such expenses, by agreement between the sending and the receiving agencies. Such expenses may include a per diem allowance if the period of assignment will be for less than eight months or the costs of moving the employee's spouse and children, household goods and personal effects between agencies if the period of assignment will be for eight months or longer."

SECTION 5. 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 6. This Act shall take effect upon its approval.

(Approved May 10, 1978.)

*Edited accordingly.