

ACT 105

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H.B. NO. 32

**A Bill for an Act Relating to the Job-Sharing Pilot Project in the Department of
Education.**

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

SECTION 1. The legislature finds that Act 150, Session Laws of Hawaii 1978, established a three-year pilot project in the department of education to test the feasibility of job-sharing. Act 134, Session Laws of Hawaii 1980, which amended Act 150 amended the pilot project design for the remaining year of the test period. The two major amendments (1) removed the restriction that only classroom teachers may apply, thereby enabling such personnel as school counselors and school librarians to participate in job-sharing; and (2) removed the restriction that only five per cent of the eligible personnel at any one school may participate.

The legislature finds that in view of the recent change in the pilot project design mandated by Act 134 and the need to adequately test the modified design, there is a need to extend the pilot project for an additional two years.

SECTION 2. Section 2, Act 150, Session Laws of Hawaii 1978, as amended by Act 134, Session Laws of Hawaii 1980, is amended to read as follows:

“SECTION 2. There is established a [three-year] five-year job-sharing pilot project to be conducted by the department of education for the 1978-79, 1979-80, [and] 1980-1981, 1981-82, and 1982-83 academic years; provided that the department of education shall not implement the pilot project without first carefully developing its plans, procedures, and guidelines and shall initiate the project to the extent practicable during the 1978-79 academic year. Job-sharing, for the purpose of this Act, is the voluntary equal division of one full-time permanent position between two employees, each performing one-half of the work required for the permanent position. The two half-time positions resulting from the division of one full-time position shall constitute two job-sharing positions. The department of education shall devote no more than one hundred full-time, permanent positions to job-sharing, pursuant to this Act. The department shall administer the pilot project established by this Act, and shall, in consultation with the representatives of the appropriate bargaining units adopt guidelines for the implementation of this Act.”

SECTION 3. Section 3, Act 150, Session Laws of Hawaii 1978, as amended by Act 134, Session Laws of Hawaii 1980, is amended to read as follows:

“SECTION 3. The following shall constitute general requirements of the pilot project, and shall be followed in the implementation of this Act:

- (1) The superintendent of education shall announce the pilot project to all full-time, tenured, certificated personnel of the department excluding educational officers and shall solicit the voluntary requests of such personnel who may be interested in participating in the job-sharing pilot project.
- (2) The superintendent shall, in consultation with the recognized employee bargaining units, formulate and adopt guidelines for the implementation of this Act. Employees who respond to the announcement and others who may request information shall receive a full written description of the terms of the pilot project when the guidelines are finalized and those desiring to participate may apply to participate in the project. The employees who apply for participation shall obtain the concurrence of their immediate supervisor, other appropriate personnel officers, and the

superintendent. Those who qualify shall then be interviewed by a personnel officer of the department. Participation shall be for school years 1978-79, 1979-80, [or] 1980-81, 1981-82, or 1982-83, except as provided in paragraph (6) of this section.

- (3) Upon the selection of a permanent, full-time employee for job-sharing under this Act, the superintendent shall for the purposes of this Act, convert the position of the employee into two job-sharing positions, one of which shall be filled by the employee, and the other which shall be filled by hiring under this Act.
- (4) Persons hired to fill job-sharing positions shall be recruited through this Act; provided that any person hired for a job-sharing position shall possess the minimum requirements of the full-time position which was converted to job-sharing positions under this Act.
- (5) Job-sharing is, for the purpose of this Act, the voluntary sharing of a full-time, permanent employee's position with another employee, with each working one-half of the total number of hours of work required per week, and with each receiving one-half of the salary to which each is respectively entitled and at least one-half of each employee benefit afforded to full-time employees. Benefits that can be divided in one-half, such as number of days of sick leave, and are considered to be an equitable share when divided, shall be computed on that basis. Benefits that cannot be so divided, such as eligibility for membership in the public employees health plan shall be given to the job-sharers without such division, notwithstanding any contrary provision of chapter 87 or 88, Hawaii Revised Statutes. The newly hired job-sharer shall be excluded from collective bargaining as provided under chapter 89, Hawaii Revised Statutes.

The full-time permanent employee shall not lose membership in an employee bargaining unit because of participation in this project, any law to the contrary notwithstanding. Union membership or service fees paid by job-sharers under this Act shall be at a level consistent with normal union membership dues or service fees. The State's contribution to a job-sharer's prepaid health, prepaid dental, and any group life insurance plans shall be the same as for full-time employees, any other provision of the law to the contrary notwithstanding. Job-sharers shall be covered under chapter 386, Hawaii Revised Statutes, and the applicable provisions of chapter 383, Hawaii Revised Statutes. Service credit for tenured teachers participating in the pilot project under this Act shall be given on the same basis as that for full-time employees. Nothing in this Act shall be construed, however, to vest any person with any rights to permanent employment status, whether under civil service or otherwise, which did not exist prior to the participation of the person in the job-sharing pilot project. The granting of tenure shall be under applicable statutes. No full-time position shall be abolished or reduced to a half-time position as a result of this Act, except for the purpose of job-sharing, and only for the time allowed for the project by this Act. In a reduction-in-force procedure, consideration of a job-sharer's tenure rights shall be on the same basis as that of a full-time employee. Nothing in this Act shall impair

the employment or employment rights or benefits of any employee.

- (6) Participation in the pilot project shall require the commitment on the part of all parties to a contractual agreement; provided that the employee shall be given the option to contract for one or more years.
- (7) No job-sharing position created under this Act and committed to a specified period of time under the terms of the contractual agreement shall be converted to full-time status before the termination of the contractual agreement. A job-sharing vacancy created by the resignation, retirement, or other permanent or temporary severance of employment with the department of education on the part of any person shall be filled through recruitment of another person pursuant to this Act.
- (8) Upon the termination of contractual agreements under this Act, all job-sharing positions shall be reconverted to full-time positions, and the employees who held the full-time positions prior to their participation in the pilot project shall be entitled to resume their positions without loss of previous tenure, or other employee rights.”

SECTION 4. Section 4, Act 150, Session Laws of Hawaii 1978, is amended to read as follows:

“SECTION 4. The office of the legislative auditor shall monitor and evaluate the pilot project, with particular regard to the efficacy of the job sharing concept, and shall evaluate factors such as turnover rates, absenteeism, productivity, morale, and demographic factors such as ethnic, sex, and age composition of participants, and other pertinent data. The office of the legislative auditor shall also among other analyses identify factors which facilitated or made more difficult the implementation of this Act. The office of the legislative auditor shall submit status reports on its findings to the regular legislative sessions of 1979, 1980, and 1981, and may report on its findings and recommendations to the legislative session of 1982.”

SECTION [5]†. Statutory material to be repealed is bracketed. New material is underscored.

SECTION [6]†. This Act shall take effect upon its approval.

(Approved June 8, 1981.)

†Numbers “5” and “6” substituted for “3” and “4” to correct manifest clerical error.