

ACT 139

S.B. NO. 2353-82

A Bill for an Act Relating to the Job Sharing Pilot Project in the Public Library System.

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, amended Act 150 and the pilot project design for the remaining year of the test period. Act 105, Session Laws of Hawaii Regular Session 1981 amended Act 150 by extending the pilot project for an additional two years.

The legislature finds that the pilot project has been effective in achieving the objectives of the job-sharing program and that a job-sharing pilot project should be established for librarians within the public library system.

The purpose of this Act, therefore, is to establish a voluntary, job-sharing pilot project in the public library system.

SECTION 2. There is established a two-year, job-sharing pilot project to be conducted within the public library system by the board of education for fiscal years 1982-1983 and 1983-1984; provided that the board of education shall not

implement the pilot project without first carefully developing its plans, procedures, and guidelines. 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 board of education shall devote no more than fifty full-time, permanent positions to job-sharing, pursuant to this Act. The board 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. The following shall constitute general requirements of the pilot project conducted within the public library system, and shall be followed in the implementation of this Act:

- (1) The state librarian shall announce the pilot project to all full-time librarians of the public libraries and shall solicit the voluntary requests of such personnel who may be interested in participating in the job-sharing pilot project.
- (2) The state librarian, in consultation with the recognized employee bargaining units, shall 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 state librarian. Those who qualify shall then be interviewed by a personnel officer of the public library system. Participation shall be for fiscal year 1982-1983 and/or 1983-1984.
- (3) Upon the selection of a permanent, full-time employee for job-sharing under this Act, the state librarian 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 either another permanent employee or a person hired under this Act; provided that the positions composed of job-sharing teams of two permanent employees shall not exceed twenty-five.
- (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, for the purposes of this Act, is 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.

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 by chapter 386, Hawaii Revised Statutes, and the applicable provisions of chapter 383, Hawaii Revised Statutes. Nothing in this Act shall be construed 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. 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. 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.
- (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 public library system on the part of any person shall be filled through recruitment of another person pursuant to this Act.
- (8) Upon the termination of contractual agreement 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 any employee rights.

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 a status report on its findings to the legislature in the regular session of 1984.

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

(Approved May 28, 1982.)