

ACT 152

S.B. NO. 2607-82

A Bill for an Act Relating to Public Officers and Employees.

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

SECTION 1. The purpose of this Act is to amend chapters 89C, 78, and 77, Hawaii Revised Statutes, to provide for changes in the procedures established for adjusting the compensation, hours, terms, and conditions of employment, and other benefits for public officers and employees excluded from coverage under section 89-6(c), Hawaii Revised Statutes.

SECTION 2. Section 89C-2, Hawaii Revised Statutes, is amended to read as follows:

“[[§89C-2]] Adjustments authorized; limitations, restrictions. Any provision of law to the contrary notwithstanding, the compensation, hours, terms, and conditions of employment, and other benefits for 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, the board of regents, or the chief justice, as applicable. The chief executives, the board of education, the board of regents, and the chief justice, or their designated representatives, shall determine the adjustments to be made and which excluded officers or employees are to be

granted adjustments under this chapter, in accordance with the following guidelines and limitations:

- (1) For excluded officers and employees under the same compensation plans as officers and employees within collective bargaining units, such adjustments shall be not less than those provided under collective bargaining agreements for officers and employees hired on a comparable basis[, except that adjustments in compensation shall be within limits set forth in paragraphs (2) and (3)].
- [(2) For officers and employees covered by chapters 77 and 297, no adjusted compensation shall exceed ninety-five per cent of the maximum compensation allowable under section 26-53 for the first deputy or first assistant to the head of a department of the State. To promote the uniform administration of compensation under chapters 77 and 297, the foregoing limitation shall apply uniformly to all officers and employees throughout the State covered by chapters 77 and 297, whether or not the officer or employee is employed by the State or a county government. Any officer or employee, who is receiving a salary in excess of the limitation provided herein on [June 3, 1978], shall continue to receive the salary so long as he remains in the same position or until such time as the maximum compensation allowable under section 26-53 for the first deputy or first assistant to the head of a department of the State is sufficiently increased to authorize adjustments to the officer's or employee's salary.
- (3) For officers and employees covered by chapter 304, no adjusted compensation shall exceed ninety-five per cent of the compensation paid to the president of the University of Hawaii under section 26-52(2); provided that an officer or employee who is receiving on [June 3, 1978] 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.
- (4) (2) No adjustment in compensation, hours, terms, and conditions of employment, or other 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 officers and employees.
- (5)¹ The compensation of officers or employees whose salaries presently are limited or fixed by legislative enactment shall not be adjusted under this chapter, but shall continue to be adjusted by the appointing authority within limits established by law or by legislative enactment.
- (6)¹ The compensation of officers or employees, who are not covered under the same compensation plans as officers and employees within collective bargaining units and whose salaries presently are authorized to be fixed by the appointing authority, need not be adjusted under this chapter. The appointing authority may continue to make specific

adjustments in the salaries of individual officers or employees from available funds appropriated [for such purpose within limits set forth in paragraphs (2) and (3) of this section].”

SECTION 3. Section 78-18, Hawaii Revised Statutes, is repealed.

SECTION 4. Section 77-13, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) Salary ranges SC-1, SC-2, and SC-3 shall be utilized in the following manner:

- (1) Salary ranges SC-1, SC-2, and SC-3 may be utilized by the State and counties for physicians and psychiatrists positions.
- (2) No position shall be classified and paid in salary ranges SC-1, SC-2, and SC-3 unless specifically recommended by the director of personnel services and approved by the governor, recommended by the administrative director of the courts and approved by the chief justice, or recommended by the personnel director of a county and approved by the respective council and mayor.
- (3) There shall be at any given period not more than sixteen positions classified and paid in salary ranges SC-1, SC-2, and SC-3 by the State, not more than one position classified and paid in salary ranges SC-1, SC-2, and SC-3 by the judiciary, and not more than eight positions classified and paid in salary ranges SC-1, SC-2, and SC-3 by any county. Psychiatrists and physician positions shall be excluded from the above-mentioned totals.
- [(4) The salary of an employee assigned to SC-1, SC-2, or SC-3 shall not be more than the applicable limits under section 78-18.
- (5)] (4) The director of personnel services, the administrative director of the courts, and the personnel directors of each county shall report annually to the legislature as to the manner in which the positions assigned to salary ranges SC-1, SC-2, and SC-3 are being used.”

SECTION 5. On the effective date of this Act, all compensation and salary adjustments for excluded officers and employees affected by the limitations imposed by section 89C-2(2), Hawaii Revised Statutes, prior to the effective date of this Act shall be made retroactive to May 26, 1979.

SECTION 6. Statutory material to be repealed is bracketed. New material is underscored.²

SECTION 7. This Act shall take effect upon its approval.

(Approved May 28, 1982.)

Notes

1. Paragraphs “5” and “6” were not renumbered.
2. Edited pursuant to HRS §23G-16.5.