

## ACT 73

S.B. NO. 427

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

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

SECTION 1. The legislature finds that the increasing mobility of society, changing patterns of socioeconomic needs and values, and the economic realities of life in Hawaii require consideration of innovative approaches to ensure the availability of flexible employment opportunities to meet the varying needs of Hawaii's people. Job-sharing, which would provide half-time positions in place of full-time positions, is an innovation which will increase available employment options so that people may be employed on the basis of their financial or other needs, such as raising a family, without the necessity of being employed on a full-time basis, or perhaps, the necessity of resigning from full-time employment. The legislature further finds that the merits of job-sharing warrant systematic experimentation to determine its utility as an employment option. The legislature further finds that the success of the pilot projects in the department of education, provided for by Act 150, Session Laws of Hawaii 1978, Act 134, Session Laws of Hawaii 1980, Act 105, Session Laws of Hawaii 1981, Act 128, Session Laws of Hawaii 1982, and Act 139, Session Laws of Hawaii 1982, warrant further expansion of the job-sharing concept to other departments.

The legislature further finds that, due to lack of child care facilities and nonflexible working hours available, many nurses are leaving this profession to pursue other types of employment which do not utilize their specialized training and skills. The department of health is an appropriate agency within which to initiate a job-sharing pilot project due to the possibility of expanding the number of jobs under job-sharing and allowing the flexibility necessary for a nurse to also fill the role of a mother. Moreover, implementation of job-sharing may create a more stimulating and healthier environment for nurses in their professional capacities, especially for those who are faced with the dilemma of desiring to spend more time with their families without totally leaving the job market in order to supplement their family's income. In addition, the implementation of this project for nurses would allow them more time to pursue

additional training and education, further benefitting the citizens of the State who receive the services of the nursing profession.

The purpose of this Act is to establish a voluntary job-sharing pilot project in the department of health.

SECTION 2. There is established a two-year job-sharing pilot project to be conducted by the department of health during fiscal years 1986-1987 and 1987-1988; provided that the department shall not implement the pilot project without first carefully developing its plans, procedures, and guidelines. The department shall initiate the project within one month of establishing the final guidelines or, to the extent practicable, during fiscal year 1986-1987, to allow sufficient notice for recruitment. 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 permanent positions resulting from the division of one full-time position shall constitute two job-sharing positions. The department of health shall devote no more than one hundred full-time permanent positions to job-sharing pursuant to this Act and the majority of those positions shall be allocated to neighbor island hospitals. Every work site shall be given the opportunity to participate. The department shall administer the pilot project established by this Act and, in consultation with the representatives of the appropriate bargaining units and a representative from all the hospitals operated by the State, shall adopt guidelines for the implementation of this Act.

SECTION 3. The following shall constitute general requirements of the pilot project conducted within the department of health and shall be followed in the implementation of this Act:

- (1) The director of health shall announce the pilot project to all full-time, regular employees of the department excluding persons not actually engaged in the nursing profession, and shall solicit the voluntary requests of such personnel who may be interested in participating in the job-sharing pilot project.
- (2) The director of health, in consultation with the recognized employee bargaining units and representatives from the hospitals, shall formulate and adopt guidelines for the implementation of this Act. Employees who respond to the announcement and others who 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 director of health. Those who qualify then shall be interviewed by a personnel officer of the department. Participation shall be for fiscal year 1986-1987 or 1987-1988, except as provided in paragraph (6). It is recommended that not more than fifty per cent of the eligible personnel at any institution or work site be accepted to participate in the project. It is further recommended that, when sufficient eligible applicants are available, not less than twenty-five per cent of the personnel at any institution or work site be accepted to participate in the project.
- (3) Upon the selection of a permanent, full-time employee for job-sharing under this Act, the director of health, for the purposes of this Act, shall 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.

- (4) Persons hired to fill job-sharing positions shall be recruited in accordance with 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 purpose 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 month, and 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 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 permanent employees 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. 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 retention points 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 for 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 health on the part of any person shall not be converted to full-time status until termination of the contractual agreement and shall be filled immediately 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 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 ethnicity, sex, and age composition of participants, and other pertinent data. The office of the legislative auditor among other analyses shall 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 legislature prior to the convening of the regular sessions of 1987 and 1988 and shall submit a report to the legislature on its findings and recommendations prior to the convening of the regular session of 1989.

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

(Approved April 22, 1986.)