

ACT 380

S.B. NO. 3018

A Bill for an Act Relating to School Personnel.

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

SECTION 1. Section 297-31.2, Hawaii Revised Statutes, is amended to read as follows:

**“§297-31.2 Classification, educational officers.** The board of education shall classify all educational officer positions of the department of education and adopt a classification/compensation plan for these educational officer positions; provided that [such] the classification/compensation plan shall include a classification/compensation appeals procedure.”

SECTION 2. Chapter 297, Hawaii Revised Statutes, is amended by adding a new section to be designated as 297-31.3 and to read as follows:

**“§297-31.3 Classification/compensation appeals board; adjustments to classification/compensation plan.** (a) There shall be established a classification/compensation appeals board within the department of education for administrative purposes. The board shall be composed of three members with one member appointed by the board of education and one member appointed by the exclusive bargaining unit representing educational officers, and these two appointed members shall appoint a third member who shall serve as chairperson; provided that no member shall be an employee of the department of education or member of the board of education or an employee of the organization representing educational officers. The board shall sit as an appellate body on matters of classification/compensation. All decisions of the board shall be by majority vote and be binding on both parties.

(b) The appeals board shall meet biennially every even-numbered year to receive appeals from affected persons and parties relating to the classification/compensation plan. All petitions for appeal shall be filed with the appeals board within twenty days from the date set by the appeals board for receipt of these appeals.

(c) The appeals board shall function independently of the board of education and the department of education, but may procure office facilities and clerical

assistance from them. Neither the appeals board nor any of its members or staff shall consult with any member of the board of education or department of education except on notice and opportunity for the appealing employee or the employee's representative to participate. The appeals board shall adopt policies and standards relative to classification/compensation. The appeals board may adopt rules pursuant to chapter 91 for the conduct of appeal hearings.

(d) The appeals board shall make whatever adjustments that are necessary to the affected classes where the appeals have been filed in the classification/compensation plan.

The appeals board shall hear appeals and complete the final adjustment to the classification/compensation plan by December 7, 1988 and by the first Wednesday of December on subsequent even-numbered years. Following the final adjustment to the classification/compensation plan, the superintendent of education shall submit to the state legislature, through the office of the governor, a report setting forth the classification/compensation plan and the cost thereof for its information and approval. The approved classification/compensation plan shall be effective as of July 1 of each odd-numbered year.

(e) Notwithstanding any other laws to the contrary, each member of the appeals board shall receive \$50 per day for each day on which work is done by them in connection with authorized activities of the board. The cost thereof shall be met by state legislative appropriations for the appeals board."

SECTION 3. Chapter 297, Hawaii Revised Statutes, is amended by adding a new section to be designated as 297-39.1 and to read as follows:

**"§297-39.1 Educational officer with special assignments.** Educational officers at the state, district, and school levels with special assignments, where their responsibilities are greater than those falling within the scope of their ordinary duties and responsibilities, shall be provided additional benefits by the department."

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$5,000, or so much thereof as may be necessary for fiscal year 1988-1989, for the funding of the classification/compensation appeals board. The sum appropriated shall be expended by the department of education for the purposes of this Act.

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>1</sup>

SECTION 6. This Act shall take effect on July 1, 1988.

(Approved June 15, 1988.)

**Note**

1. Edited pursuant to HRS §23G-16.5.