

ACT 153

S.B. NO. 1706

A Bill for an Act Relating to Professional Engineering Employees of the Hawaii Public Broadcasting Authority.

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

SECTION 1. Section 314-10, Hawaii Revised Statutes, is amended to read as follows:

“§314-10 Executive director and staff. The board shall appoint an executive director subject to the approval of the governor who shall not be subject to chapters 76, 77, and 89. The salary of the executive director shall be set by the board and the director of commerce and consumer affairs and shall not exceed that of a second deputy under section 26-53. The executive director may appoint a chief engineer and an assistant chief engineer who shall not be subject to chapters 76 and 77, but shall be eligible for the state employees’ retirement system and for other benefits generally applicable to officers and employees of the State. Nothing in this section shall be deemed to affect the civil service status of any incumbent as it existed on the effective date of this Act.”

SECTION 2. Section 314-15, Hawaii Revised Statutes, is amended to read as follows:

“§314-15 Personnel categories. Except as provided in section 314-13.5[,] and except for the chief engineer and assistant chief engineer appointed by the executive director, personnel transferred to, assigned to, or hired by the Hawaii public broadcasting authority shall be placed in one of the following categories subject to review and approval by the director of personnel services:

- (1) Category (a) - Clerical, nonprofessional, and nontechnical;
- (2) Category (b) - Professional and technical; and
- (3) Category (c) - Student help.”

SECTION 3. Section 314-16, Hawaii Revised Statutes, is amended to read as follows:

“[§314-16] Employment status. [All] Except for the chief engineer and assistant chief engineer appointed by the executive director, all employees of the Hawaii public broadcasting authority shall be employed in their respective categories as follows:

- (1) Category (a) - clerical, nonprofessional, and nontechnical. All employees in this category shall be subject to chapters 76 and 77, provided that nonprofessional and nontechnical employees, except those in cat-

egory (c) who were employed prior to July 1, 1973 shall receive appropriate civil service status without necessity of examination.

- (2) Category (b) - professional and technical. All employees in this category shall be exempt from chapters 76 and 77, provided that such exempt employment shall be subject to review by the director of personnel services on a periodic basis to determine the propriety of continued exemption[, such a review to be accomplished by December 31, 1973]. [Should this review indicate that continuance of exempt status is warranted, such employment shall be subject to subsequent reviews on a periodic basis.] Whenever employees are to be hired in this category, they shall be subject to review and approval of the director of personnel services in accordance with procedures concerning exempt hiring.

If the director of personnel services determines that exempt status is not appropriate, such employees shall be subject to chapters 76 and 77, provided that such employees who were employed prior to July 1, 1973 and still so employed shall receive appropriate civil service status without necessity of examination.

All full time employees in this exempt category shall be hired on annual contract and shall be eligible for the [State] state employees' retirement system and for other benefits generally applicable to officers and employees of the State. Contracts with such employees shall contain a clause providing for notification to the employee of renewal or nonrenewal ninety days prior to the expiration of the contract. Nonrenewals of such contracts shall be subject to review by the board of public broadcasting.

- (3) Category (c) - student help. All employees in this category shall be exempt from chapters 76 and 77, provided that employment in this category shall be subject to review and approval by the director of personnel services.”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved May 21, 1993.)