

LINDA LINGLE
GOVERNOR OF HAWAII



MARIE C. LADERTA
DIRECTOR

CINDY S. INOUE
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

February 26, 2008

TESTIMONY TO THE
HOUSE COMMITTEE ON FINANCE

For Hearing on February 26, 2008
3:30 P.M., Conference Room 308

BY

MARIE C. LADERTA, DIRECTOR

House Bill No. 2272, HD1
Relating to Qualified Community Rehabilitation Programs

TO CHAIRPERSON MARCUS R. OSHIRO AND MEMBERS OF THE COMMITTEE:

Act 191, Session Laws of Hawaii 2007 (House Bill No. 1171) amended §76-77, Hawaii Revised Statutes (HRS), to establish a new subsection (16) to allow the counties to enter into contracts with private persons or entities for services lasting no more than one year and at cost of no more than \$750,000. House Bill No. 2272 amends the new subsection to provide that personal services with qualified community rehabilitation programs, as defined in Section 103D-1001, shall be exempt from the \$750,000 limit.

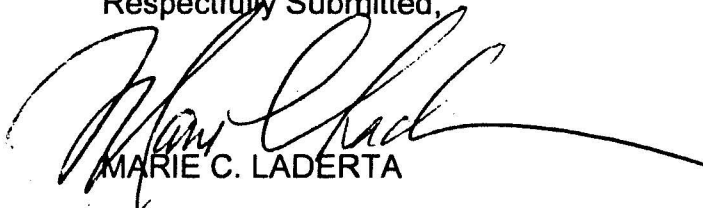
The Department of Human Resources Development (DHRD), **supports** this bill and also respectfully requests that §76-16, HRS, be amended to provide an exemption from civil service to State departments and agencies to contract for services with qualified community rehabilitation programs.

In passing H.B. 1171 last year, the legislature recognized that the counties need flexibility to contract for services. State departments and agencies that provide community rehabilitation services also need flexibility to contract for services when needed services cannot be provided by authorized positions and staff. At times, the number of authorized positions is not sufficient to meet the needs of State programs and additional services are temporarily required. In other situations, authorized positions are available, but the positions cannot be filled due to recruitment difficulties or cannot be filled quickly enough because the need for additional services is immediate.

If the new exemption to contract for services is extended to the State, the State is committed to using the exemption judiciously and in a fashion which will not negatively impact or displace civil service employees.

We urge you to pass this bill and provide the same exemption to contract for service to the State. Thank you for the opportunity to testify on this important measure.

Respectfully Submitted,



MARIE C. LADERTA



Working Together for Hawaii

The Twenty-Fourth Legislature, State of Hawaii
Hawaii State House of Representatives
Committee on Finance

Testimony by
HGEA/AFSCME, Local 152, AFL-CIO
February 26, 2008

H.B. 2272, H.D. 1 – RELATING TO
QUALIFIED COMMUNITY
REHABILITATION PROGRAMS

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO opposes this measure. During the 2007 Regular Session, we worked collaboratively with the counties and other interested parties to pass H.B. 1171, C.D. 1, which became Act 191, SLH 2007. This measure exempts contracts for personal services with private persons or entities lasting no more than one year and at a cost of \$750,000 or less. Given that it has been less than one year since Act 191 took effect, it is premature to make a change. We do not believe this amendment to Section 76-77, HRS is necessary, nor do we support lifting the exemption for qualified rehabilitation organizations.

Thank you for the opportunity to testify in opposition of this measure.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nora A. Nomura", is written over the typed name.

Nora A. Nomura
Deputy Executive Director

Re: SB2435 / HB2272

The Arc of Hilo

Improving the Lives of People with Disabilities Since 1954

To: Senator Chun-Oakland
Senator Lorraine Inouye
Representative Alex Sonson

Representative Marcus Oshiro

1099 Waiianuenue Avenue
Hilo, Hawaii 96720
Phone: (808) 935-8554
Fax: (808) 961-0148
www.hiloarc.org

10/10/07

Senator Brian Taniguchi, Chairman
Senate Judiciary and Labor Committee
Hawaii State Capitol, Room 228
Honolulu, Hawaii 96813

Re: Letter of Support to amend HRS 76-77 Exemption # 16

HB 2272


Dear Senator Taniguchi,

I would like to submit this letter in support of the bill submitted to amend existing language in HRS 76-77 Exemption # 16. The proposed amendment would enable public agencies (County and State Governments) to contract for personal services with **qualified community rehabilitation programs** as defined in statute (HRS 103D Section 1001) and would remove the maximum contract limit from such contracts. Contracting opportunities with qualified community rehabilitation programs provide much needed employment opportunities for Hawaii's most under/unemployed segment of our population and enables workers with disabilities to become contributing members of our communities.

I urge you and the members of your committee to support this proposed amendment.

Thank you for your consideration and support.

Sincerely,


Mike Gleason
President & CEO

MAILING ADDRESS

P.O. Box 127
Kealahou, HI 96750

KEALAKEKUA

51-1065 Konahehena
School Road
Kealahou, HI 96750
808-323-2626
Mo-Tu: 8:00A-3:00P

HONOLULU

45-539 Plumeria Street
Building 3, Room 2
Honolulu, HI 96727
808-775-1490
Mo & Tu: 8:00A-5:00P

Fax: 808-323-9444
TDD: 808-323-2389

www.ArcOfKona.org

Federal ID
99-0108896

Re: SB2435 / HB2272

To: Senator Chun-Oakland
Senator Lorraine Inouye
Representative Alex Sonson

October 15, 2007

Representative Marcus Oshiro

Senator Brian Taniguchi, Chairman
Senate Judiciary and Labor Committee
Hawaii State Capitol, Rm. 228
Honolulu, HI 96813

Dear Representative Oshiro, HB 2272

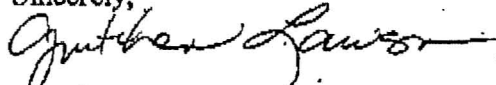
I would like to submit this letter in support of the bill submitted to amend existing language in HRS 76-77 Exemption # 16. The proposed amendment would enable public agencies (County and State Governments) to contract for personal services with qualified community rehabilitation programs as defined in statute HRS 103D section 1001. This amendment would remove the maximum contract limit form such contracts.

Contracting opportunities with qualified community rehabilitation programs provide much needed employment opportunities for Hawaii's most under/underemployed segment of our population and enables workers with disabilities to become contributing members of our communities.

I urge you and the members of your committee to support this proposed amendment.

Thank you for your consideration and support.

Sincerely,



Gretchen Lawson, CEO



"Expanding the Possibilities"
"Ho'o Nui Ka Hiki"



"Enhancing Lives Through Self-Reliance"

February 25, 2008

Representative Marcus Oshiro
Chair of Finance Committee
Hawaii State Capitol, Room 306
Honolulu, Hawaii 96813
Fax: 808-586-6001

Support for House Bill 2272

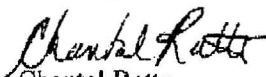
Dear Finance Chair,

On behalf of Ka Lima O Maui I would like to offer support for **House Bill #2272** with the attached proposed amendments (HD-1 HB2272). House Bill 2272 would amend existing language in HRS 76-77 Exemption #15 to enable public agencies (County and State governments) to contract for personal custodial and grounds services with **qualified community rehabilitation programs** as defined in statute (HRS 103D Section 1001). The proposed change would also amend the cap on the contract amount from \$750,000 to \$1,000,000, a necessary change for Ka Lima since our biggest current contract with the County is close to \$720,000. A higher cap allows for annual inflationary increases on our current contracts.

I am very pleased that we were able to work with the HGEA and come to a mutual agreement on changes for this bill. Ka Lima O Maui has negotiated non-bid contracts with the County of Maui since the inception of this law, nearly 25 years ago. This year alone these work contracts total nearly \$1 million and **provide full time, benefited employment for over 40 disabled and economically disadvantaged workers**. We have custodial and grounds maintenance contracts with the County of Maui Departments of Parks and Recreation, Police, Public Works and Fire. The employment these contracts provide has enabled many of our most severely disabled workers to become independent and self-supporting members of our community.

Please help us by supporting HB 2272 with the proposed amendments so we can continue to carry our mission of "Enhancing Lives through Self-Reliance" for adults with disabilities. Thank you very much for your consideration and support.

Sincerely,


Chantal Ratte
Executive Director

J. Walter Cameron Center, 95 Mahalani Street - Wailuku, Hawaii 96793

Tel: (808) 244-5502 / 244-5503 - Fax: (808) 244-2077

info@kalimaomaui.org

HOUSE OF REPRESENTATIVES
TWENTY-FOURTH LEGISLATURE
STATE OF HAWAII

H.B. 2272
(PROPOSED H.D. 1)

A BILL FOR AN ACT

RELATING TO QUALIFIED COMMUNITY REHABILITATION PROGRAMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 76-77, Hawaii Revised Statutes, is amended to read as follows:

"§76-77 **Civil service and exemptions.** The civil service to which this part applies comprises all positions in the public service of each county, now existing or hereafter established, and embraces all personal services performed for each county, except the following:

- (1) Positions in the office of the mayor; provided that the positions shall be included in the classification systems;
- (2) Positions of officers elected by public vote, positions of heads of departments, and positions of one first deputy or first assistant of heads of departments;
- (3) Positions of deputy county attorneys, deputy corporation counsel, deputy prosecuting attorneys, and law clerks;
- (4) Positions of members of any board, commission, or agency;
- (5) Positions filled by students; positions filled through federally funded programs which provide temporary public

service employment such as the federal Comprehensive Employment and Training Act of 1973; and employees engaged in special research or demonstration projects approved by the mayor, for which projects federal funds are available;

- (6) Positions of district judges, jurors, and witnesses;
- (7) Positions filled by persons employed by contract where the personnel director has certified that the service is special or unique, is essential to the public interest, and that because of the circumstances surrounding its fulfillment, personnel to perform the service cannot be recruited through normal civil service procedures; provided that no contract pursuant to this paragraph shall be for any period exceeding one year;
- (8) Positions of a temporary nature needed in the public interest where the need does not exceed ninety days; provided that before any person may be employed to render temporary service pursuant to this paragraph, the director shall certify that the service is of a temporary nature and that recruitment through normal civil service recruitment procedures is not practicable; and provided further that the employment of any person pursuant to this paragraph may be extended for good cause for an additional period not to exceed ninety days upon similar certification by the director;

- (9) Positions of temporary election clerks in the office of the county clerk employed during election periods;
- (10) Positions specifically exempted from this part by any other state statutes;
- (11) Positions of one private secretary for each department head; provided that the positions shall be included in the classification systems;
- (12) Positions filled by persons employed on a fee, contract, or piecework basis who may lawfully perform their duties concurrently with their private business or profession or other private employment, if any, and whose duties require only a portion of their time, where it is impracticable to ascertain or anticipate the portion of time devoted to the service of the county and that fact is certified by the director;
- (13) Positions filled by persons with a severe disability who are certified by the state vocational rehabilitation office as able to safely perform the duties of the positions;
- (14) Positions of the housing and community development office or department of each county; provided that this exemption shall not preclude each county from establishing these positions as civil service positions;
- (15) The following positions in the office of the prosecuting attorney: private secretary to the prosecuting attorney,

secretary to the first deputy prosecuting attorney, and administrative or executive assistants to the prosecuting attorney; provided that the positions shall be included in the classification systems; and

- (16) Positions or contracts for personal services with private persons or entities for services lasting no more than one year and at a cost of no more than \$750,000 [-]; provided that positions or contracts for [personal]building custodial and grounds maintenance services with qualified community rehabilitation programs, as that term is defined in section 103D-1001, [shall be exempt from the \$750,000 limit.] shall not exceed \$1,000,000.

The director shall determine the applicability of this section to specific positions and shall determine whether or not positions exempted by paragraphs (7) and (8) shall be included in the classification systems.

Nothing in this section shall be deemed to affect the civil service status of any incumbent private secretary of a department head who held that position on May 7, 1977."

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

Re: SB2435 / HB2272

To: Senator Chun-Oakland
Senator Lorraine Inouye
Representative Alex Sonso
* Representative Oshiro



Susanna F. Cheung, Founder
President and CEO

Anuenue Hale, Inc.

October 10, 2007

The Honorable Brian Taniguchi, Chairman
Senate Judiciary and Labor Committee
Hawaii State Capitol, Room 228
Honolulu, Hawaii 96813

Re: Letter of Support to amend HRS 76-77 Exemption # 16

HB 2272

Dear Senator Taniguchi,

I would like to submit this letter in support of the bill submitted to amend existing language in HRS 76-77 Exemption #16. The proposed amendment would enable public agencies (County and State Governments) to contract for personal services with **qualified community rehabilitation programs** as defined in statute (HRS 103D Section 1001) and would remove the maximum contract limit from such contracts. Contracting opportunities with qualified community rehabilitation programs provide much needed employment opportunities for Hawaii's most under/unemployed segment of our population and enables workers with disabilities to become contributing members of our communities.

I urge you and the members of your committee to support this proposed amendment.

Thank you for your consideration and support.

Sincerely,


Susanna F. Cheung
President and Chief Executive Officer

Temporary Address: 64-1510 Kamehameha Highway, Wahiawa, Hawaii 96786-2915
Phone: (808) 622-3929 Fax: (808) 621-8227 E-mail: anuenuehale@hawaii.tx.com

"A Rainbow of Opportunities"