

STAND. COM. REP. NO. 1172

Honolulu, Hawaii

March 25, 2009

RE: S.B. No. 690
S.D. 2
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred S.B. No. 690, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO INTERGOVERNMENTAL MOVEMENTS,"

begs leave to report as follows:

The purpose of this bill is to allow for civil service employees to be moved or exchanged between state, county, and federal government positions if certain conditions are met.

The Department of Human Resources of the City and County of Honolulu, Department of Civil Service of the County of Hawaii, and Department of Personnel Services of the County of Maui testified in opposition to this bill.

Act 253, Session Laws of Hawaii 2000, was intended to reform the civil service system. In doing so, however, certain transfer rights and benefits afforded state and county employees were repealed. Although state and county departments have continued to allow movements of employees between and among their jurisdictions under the current civil service law and rules adopted in accordance with that law, your Committee finds that this measure will statutorily restore these rights and benefits.



While no testimony was received in support of this measure, your Committee notes that the main concern by those opposed to this bill was the use of a selection process for exchanges or movements of personnel using an open-competitive civil service recruitment process. Accordingly, your Committee has amended this bill by removing language requiring gaining jurisdictions to determine an employee's fitness and qualifications for the class or position to which the employee is being exchanged or moved through an open-competitive civil service recruitment process.

Your Committee has further amended this measure by:

- (1) Removing language restricting the eligibility to participate in intergovernmental exchanges or movements to permanent civil service positions in the sending jurisdiction;
- (2) Removing language requiring employees participating in intergovernmental exchanges or movements to hold only permanent civil service positions in the gaining jurisdiction;
- (3) Providing the Director of Human Resources Development the ability to require a noncompetitive examination of an employee to determine the employee's fitness and qualifications for the class to which the employee is being exchanged or moved;
- (4) Removing language establishing an initial probationary period for participating employees for positions in the gaining agency; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 690, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 690, S.D. 2, H.D. 1, and be referred to the Committee on Finance.



Respectfully submitted on
behalf of the members of the
Committee on Labor & Public
Employment,



KARL RHOADS, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HSCe 1172

Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: SB 690, SD2	Committee Referral: LAB, FIN	Date: 3-17-09		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	✓			
2. YAMASHITA, Kyle T. (VC)	✓			
3. AQUINO, Henry J.C.				✓
4. AWANA, Karen Leinani	✓			
5. HANOHANO, Faye P.	✓			
6. KEITH-AGARAN, Gilbert S.C.	✓			
7. LEE, Marilyn B.	✓			
8. NAKASHIMA, Mark M.	✓			
9. SAIKI, Scott K.				✓
10. SOUKI, Joseph M.	✓			
11. TAKUMI, Roy M.	✓			
12. PINE, Kymberly Marcos				✓
TOTAL (12)	9	—	—	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small style="margin-left: 100px;">committee acronym(s)</small>				
Vice Chair's or designee's signature: _____ 				
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