

STAND. COM. REP. NO.

363

Honolulu, Hawaii

FEB 18, 2009

RE: H.B. No. 1287
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 H.B. No. 1287 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT,"

begs leave to report as follows:

The purpose of this bill is to ensure that a fair and equitable civil service system is used for a majority of employees in public service by changing the status of public employment positions that are statutorily exempt from civil service to civil service positions. This measure conforms to the intent and purpose of Act 253, Session Laws of Hawaii 2000, better known as the "Civil Service Reform Act."

This bill also requires that civil service exempt positions be converted to civil service positions every three years unless their exempt status is extended by the Legislature.

The Hawaii Government Employees Association testified in support of this bill. The Judiciary, Department of Accounting and General Services, Department of Human Resources Development, Department of Business, Economic Development, and Tourism, Department of Land and Natural Resources, Department of Public Safety, Department of Commerce and Consumer Affairs, Disability and Communication Access Board, Department of the Attorney General, Department of Health, Office of the Public Defender, and Department of Labor and Industrial Relations testified in opposition to this measure.

HB1287 HD1 HSCR LAB HMS 2009-2290



To preserve the principle that the civil service system comprises all positions in the state, your Committee finds that the number of civil service exempt positions should be limited to the greatest extent possible. The proliferation of exempt positions in the state over the years tends to undermine this principle. Placing limits on the number of exempt positions and regularly monitoring the implementation of those limits will help preserve the integrity of the civil service system.

Your Committee has amended this bill by:

- (1) Removing the requirement that civil service exempt positions be repealed every three years unless extended by the Legislature;
- (2) Providing for the automatic conversion of civil service exempt positions to civil service positions within three years of the enactment of this measure;
- (3) Deleting the provision that makes it mandatory for employees of the Office of the Public Defender to be appointed in accordance with civil service requirements; and
- (4) 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 H.B. No. 1287, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1287, 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,

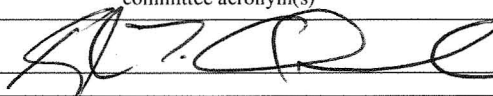


KARL RHOADS, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: HB 1287	Committee Referral: LAB, FIN	Date: 2-6-09		
<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	* ky	/		
TOTAL (12)	9	1	-	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				