

STAND. COM. REP. NO. 489 -10

Honolulu, Hawaii

Feb 26, 2010

RE: H.B. No. 1868
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 1868 entitled:

"A BILL FOR AN ACT RELATING TO CIVIL SERVICE,"

begs leave to report as follows:

The purpose of this bill is to prohibit a leave of absence for a civil service employee who accepts an appointed position with a term of more than one year.

The Hawaii Government Employees' Association supported the intent of this bill. The Department of Human Resources Development and HGEA Managerial and Confidential Employees Chapter opposed this measure. The Department of the Attorney General provided comments.

Currently, when an individual leaves a civil service position for an appointed position, the individual may return to the former civil service position within a certain time period. This is commonly referred to as a right-to-return.

Your Committee has been informed that individuals currently belonging to various bargaining units already have clauses contained in their contracts that allow for employees to work up to four years and three months in appointed positions while retaining their right to return to their former civil service positions. Accordingly, your Committee has amended this measure

HB1868 HD1 HSCR LAB HMS 2010-1984



by excluding individuals whose collective bargaining agreements allow for a longer right-of-return than one year.

Technical, nonsubstantive amendments have also been made 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. 1868, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1868, H.D. 1, and be placed on the calendar for Third Reading.

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

HSCR 489-10

Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: HB1868	Committee Referral: LAB	Date: 2-16-2010		
<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)	7	-	-	5
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. _____ committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				