

STAND. COM. REP. NO.

2616

Honolulu, Hawaii

FEB 26 2010

RE: S.B. No. 2626
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 2626 entitled:

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

begs leave to report as follows:

The purpose of this measure is to require every state agency to report to the Legislature all non-civil service, temporary employees employed by the agency for each quarterly period of the fiscal year.

Testimony in support of this measure was submitted by the Hawaii Government Employees' Association, United Public Workers, and Charles Khim. Testimony in opposition of this measure was submitted by the Department of Budget and Finance, Department of Human Resources Development, Judiciary, and Attorney General. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that, in this current economic crisis, an initial probation period of six months can sometimes lead to the overloading of permanent civil service positions, which can also impact the inefficient and ineffective delivery of critical services and functions of state government. Your Committee also finds that providing employers with a temporary lengthened initial probation period of not less than twelve months will provide the employer with a sufficient amount of information upon which to base a decision on whether or not to offer the employee a permanent civil service position.

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Your Committee has amended this measure by:

- (1) Adding a purpose section;
- (2) Adding a definition for "initial probation period" in section 76-11, Hawaii Revised Statutes;
- (3) Adding that the initial probation period for a non-civil service employee who either:
 - (A) Transfers into a civil service position between December 15, 2009, and December 31, 2011; or
 - (B) Voluntarily or involuntarily terminates employment from a position that is exempt from civil service pursuant to section 76-16, Hawaii Revised Statutes, and, within ninety days of that termination, is subsequently hired in a civil service position between December 15, 2009, and December 31, 2011,shall be a period of not less than twelve months commencing from the person's initial appointment to the civil service position that the person is transferring or being hired into; and
- (4) Repealing the foregoing initial probation period provisions on December 31, 2012, and providing for the reenactment on that date of section 76-27(a) (1), Hawaii Revised Statutes, in the form in which it read on the day before the approval of this measure;
- (5) Changing the effective date to be upon approval; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2626, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2626, S.D. 1.



Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,




DONNA MERCADO KIM, Chair



The Senate
 Twenty-Fifth Legislature
 State of Hawaii

Record of Votes
Committee on Ways and Means
WAM

| | | | | |
|--|--|-------------------------|----------|----------|
| Bill / Resolution No.:* SB2626 | Committee Referral: LBR, WAM | Date: 2/25/10 | | |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____ | | | | |
| The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| KIM, Donna Mercado (C) | / | | | |
| TSUTSUI, Shan S. (VC) | | | | / |
| CHUN OAKLAND, Suzanne | / | | | |
| ENGLISH, J. Kalani | / | | | |
| FUKUNAGA, Carol | / | | | |
| GALUTERIA, Brickwood | / | | | |
| HEE, Clayton | | | | / |
| HOOSER, Gary L. | | | | / |
| KIDANI, Michelle N. | / | | | |
| KOKUBUN, Russell S. | / | | | |
| TOKUDA, Jill N. | / | | | |
| HEMMINGS, Fred | | | | / |
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| TOTAL | 8 | 0 | 0 | 4 |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature:  | | | | |
| Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy | | | | |

*Only one measure per Record of Votes