

STAND. COM. REP. NO.

4

Honolulu, Hawaii

Feb 2, 2011

RE: H.B. No. 268

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 268 entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR COUNTY EMPLOYEES,"

begs leave to report as follows:

The purpose of this bill is to strengthen public safety by allowing criminal history record checks to be conducted by:

- (1) The counties on:
 - (A) Prospective employees who work with vulnerable adults or senior citizens in community-based programs;
 - (B) Prospective employees for fire department positions that involve contact with children or dependent adults;
 - (C) Prospective employees for emergency medical services positions that involve contact with children or dependent adults; and
 - (D) Prospective employees for emergency management positions that involve planning and executing measures for the security of their respective jurisdictions, Hawaii, or the United States;



and

- (2) The county liquor commissions on employees and prospective employees involved in liquor control investigations.

The State Fire Council, Honolulu Fire Department, Department of Community Services of the City and County of Honolulu, Department of Emergency Management of the City and County of Honolulu, Department of Human Resources of the City and County of Honolulu, Department of Emergency Services of the City and County of Honolulu, Liquor Commission of the City and County of Honolulu, Kauai Fire Department, Hawaii Fire Department, Department of Fire and Public Safety of the County of Maui, and the Hawaii Fire Fighters Association testified in support of this bill. The Hawaii Civil Rights Commission submitted comments.

Your Committee is concerned that this bill may upset the delicate balance between an employer's duty to protect the safety of the public and an employee's or prospective employee's ability to find employment. Furthermore, this bill may unduly expand the ability of employers to conduct criminal history record checks. Nevertheless, your Committee finds that this bill is worthy of further discussion and consideration.

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. 268 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

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



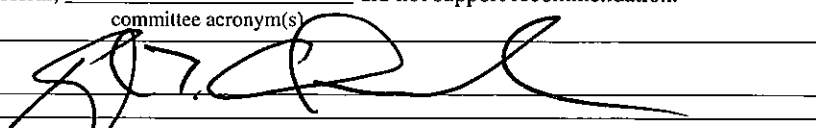
KARL RHOADS, Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

HSCR 4

Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: HB 268	Committee Referral: LAB, JUD, FIN	Date: 1-28-11		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input 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. CULLEN, Ty	/			
5. ICHIYAMA, Linda	/			
6. LEE, Marilyn B.	/			
7. LUKE, Sylvia	/			
8. SAIKI, Scott K.	/			
9. SOUKI, Joseph M.	/			
10. TAKUMI, Roy M.	/			
11. FONTAINE, George R.	/			
12. JOHANSON, Aaron Ling	/			
TOTAL (12)	12	—	—	—
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ committee acronym(s) did not support recommendation.				
Vice Chair's or designee's signature: 				
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