



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.hawaii.gov/labor
Phone: (808) 586-8642 / Fax: (808) 586-9099
Email: dli.director@hawaii.gov

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F2

January 26, 2011

The Honorable Karl Rhoads, Chair
Committee on Labor and Public Employment
House of Representatives
State Capitol, Room 326
Honolulu, Hawaii 96813

Dear Chair Rhoads:

Subject: H.B. 268 Relating to Criminal History Record Checks for County Employees

I am Kenneth G. Silva, Chair of the State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD support H.B. 268, which proposes to allow criminal history record checks on prospective county fire department employees who may have contact with children or dependent adults.

With the elimination of residency requirements for prospective fire department employment, the number of out-of-state applicants has increased with no legal means to verify whether or not these individuals possess the necessary qualities for dealing with children or vulnerable adults.

Public trust must not be compromised when individuals are hired as emergency responders. The public expects and deserves the utmost quality and care from the people who are entrusted to provide emergency services and fire and life safety education presentations. Conducting criminal record checks is one way to ensure that prospective fire department employees have no criminal or abuse record.

The SFC and the HFD urge your committee's support on the passage of H.B. 268.

Should you have any questions, please call SFC Administrator Socrates Bratakos at 723-7151.

Sincerely,

KENNETH G. SILVA
Chair

KGS/LR:cn



HAWAII CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

January 28, 2011
Conference Rm. 309
9:00 a.m.

To: The Honorable Karl Rhoads, Chair
and Members of the House Committee on Labor and Public Employment

From: Livia Wang, Acting Chief Counsel
Bill Hoshijo, Executive Director

Re: H.B. No. 268

The Hawai'i Civil Rights Commission (HCRC) staff submits this memorandum to inform the Committee that the HCRC has not yet taken a position on H.B. No. 268, because the HCRC Commissioners have not had the opportunity to review and take a position on this bill. A meeting for Commission review of bills is scheduled for February 3, 2011, at which time the Commissioners will take a position on this and other bills. While the HCRC will not have a position on H.B. No. 268 until that time, we can offer you information on the impact of the legislation on the protections against arrest and court record discrimination that falls under HCRC jurisdiction, and discuss the HCRC's consistent position on similar past requests for exceptions to the arrest and court record protection.

H.B. No. 268 would amend H.R.S. §846-2.7 which authorizes various state and county entities to conduct criminal history record checks, by expanding the county authority to conduct such record checks on employees who work with vulnerable adults or senior citizens, fire department positions that involve contact with children or dependent adults, emergency medical services positions that involve contact with children or dependent adults, emergency management positions that involve planning and

executing measures for security, and liquor commission employees who are involved in liquor control investigations.

By incorporation and reference in H.R.S. §378-2.5(d)(5), the counties would then be excepted from the requirements and limitations imposed on employer inquiries into and consideration of records of conviction under H.R.S. 378-2.5(b) and (c). In effect, this would except the counties by reference from two important limitations in the balanced approach of §378-2.5: 1) employers are allowed to make *post-offer* inquiries into a prospective employee's conviction records and consider conviction records that are rationally related to the duties and responsibilities of the position; and 2) employers are only allowed to consider convictions within the most recent ten year period, excluding periods of incarceration. It is important to recognize that without even mentioning H.R.S. §378-2.5, this bill creates an expanded exception to that statutory protection for the counties.

While the HCRC has not yet taken a position on this particular measure, it has consistently opposed additional exceptions to H.R.S. §378-2.5, and the creation of a slippery slope. The HCRC has not opposed narrowly drawn statutory exceptions sought for positions that involve unsupervised contact with vulnerable persons as patients, client, customers, or students.

The HCRC takes its role and authority to testify and make recommendations to the legislature very seriously, and will do everything possible to assist you in your consideration of bills that affect HCRC jurisdiction and civil rights. We hope the temporary constraints we face will not cause inconvenience or difficulty for the House Committee on Labor and Public Employment. Please let us know if we can provide you any background information or answer any questions. Thank you for your understanding and patience.

DEPARTMENT OF HUMAN RESOURCES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET 10TH FLOOR • HONOLULU, HAWAII 96813
TELEPHONE: (808) 768-8500 • FAX: (808) 768-5583 • INTERNET: www.honolulu.gov/hr

PETER B. CARLISLE
MAYOR



NOEL T. ONO
DIRECTOR

January 28, 2011

The Honorable Karl Rhoads, Chair
and Members of the Committee on Labor and
Public Employment
The House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

Subject: House Bill No. 268
Relating to Criminal History Record Checks for
County Employees

The Department of Human Resources **strongly supports** HB 268. The purpose of this bill is to provide county agencies the ability to access national criminal history record information in addition to state conviction information for the purpose of determining employment suitability. Specifically, this bill will enable us to obtain criminal history record information for current and prospective employees involved in liquor control investigations, and prospective employees for firefighting, emergency medical services, emergency management, and for community based personnel who work with vulnerable adults.

This bill is especially relevant since we have seen an increase in the number of out-of-state applicants who are applying for jobs with the City. This measure will permit us to efficiently evaluate the suitability of individuals selected for these sensitive jobs.

Thank you for the opportunity to testify.

Yours truly,

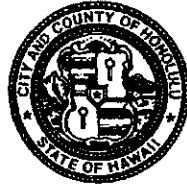
A handwritten signature in black ink, appearing to read "Noel T. Ono".

Noel T. Ono
Director

DEPARTMENT OF EMERGENCY MANAGEMENT
CITY AND COUNTY OF HONOLULU

650 South King Street Honolulu, Hawaii 96813 / (808) 723-8960

Peter B. Carlisle
MAYOR



Melvin N. Kaku
DIRECTOR

January 27, 2011

The Honorable Kari Rhoads, Chair
and Members of the Committee on
Labor and Public Employment
House of Representatives
State Capitol, Room 309
Honolulu, Hawaii 96813

Dear Chair Rhoads:

SUBJECT: H.B. 268 Relating to Criminal History Record Checks for County Employees

The Department of Emergency Management, City and County of Honolulu, strongly supports H.B. 268.

When members of our community are faced with a natural or man-made hazard incident, they expect our emergency response personnel to uphold a certain standard of ethical care and professionalism. Emergency management personnel often interact with people who are in a vulnerable status. The public trust cannot be compromised and the community expects and deserves quality personnel who are entrusted with the duty to provide uncompromised emergency response services.

I urge your committee to pass H.B. 268 and ensure our ability to have a cadre of reputable and responsible workers.

Sincerely,

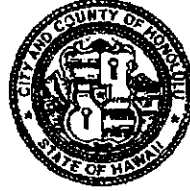
A handwritten signature in black ink, appearing to read "Melvin N. Kaku", is written over a printed name and title.

Melvin N. Kaku
Director

cc: Mayor's Office
Douglas S. Chin, Managing Director

DEPARTMENT OF COMMUNITY SERVICES
CITY AND COUNTY OF HONOLULU

715 SOUTH KING STREET, SUITE 311 • HONOLULU, HAWAII 96813 • AREA CODE 808 • PHONE: 768-7762 • FAX: 758-7792



PETER B. CARLISLE
MAYOR

SAMUEL E. H. MOKU
ACTING DIRECTOR

BRIDGET HOLTHUS
DEPUTY DIRECTOR

January 27, 2011

The Honorable Karl Rhoads, Chair
and Members
House Committee on Labor & Public Employment
Hawaii State Capitol, Room 309
415 South Beretania Street
Honolulu Hawaii 96813

Re: House Bill No. 268
Relating to Criminal History Record Checks for County Employees

Dear Chair Rhoads and Members:

The Department of Community Services strongly supports House Bill No. 268.

Among other provisions, this bill amends section 846-2.7, Hawaii Revised Statutes, to allow the counties to conduct criminal history record checks on prospective employees who work with vulnerable adults or senior citizens in community-based programs.

The Department's Community Service Aides have contact with vulnerable adults and senior citizens as part of their duties and responsibilities, but section 846-2.7 currently does not cover these employees. Additionally, an increasing number of applicants for these positions are from the mainland. This bill will allow the City and County of Honolulu to obtain more accurate criminal history records for potential employees, including information from nationwide databases.

We believe this bill will help protect vulnerable adults and senior citizens, and we respectfully request that it be passed.

Very truly yours,

A handwritten signature in black ink, appearing to read "Samuel E. H. Moku".

Samuel E. H. Moku
Acting Director

Hirai, Anna C.

From: Hirai, Anna C.
Sent: Wednesday, January 26, 2011 4:14 PM
To: 'LAStestimony@Capitol.hawaii.org'
Subject: HB 268 - Relating to Criminal History Record Checks for County Employees
Committee on Labor & Public Employment

Dear Chair Roads:

Re: HB 268 Relating to Criminal History Record Checks for County Employees
Friday, January 28, 2011, 9:00 am

The Liquor Commission, City and County of Honolulu, concurs with the testimony submitted by the City's Department of Human Resources in **strong support** of HB 268. We have been advised that the bill will enable county agencies such as the Liquor Commission to access national criminal history record information in addition to state conviction information for the purpose of determining employment suitability of current and prospective employees involved in liquor control investigations. Accordingly, this measure will assist the Liquor Commission in making a more complete evaluation of any individual selected for liquor control investigative work.

Thank you for the opportunity to testify on this matter.

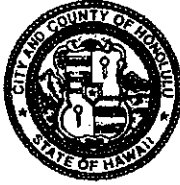
Sincerely yours,

Anna C. Hirai
Acting Administrator
Honolulu Liquor Commission
711 Kapiolani Boulevard, Suite 600
Honolulu, Hawaii 96813-5249
Direct Dial: 768-7302
Fax: 768-7311
Email: ahirai@honolulu.gov
Website: www.honolulu.gov/liq

1/26/2011

HONOLULU EMERGENCY SERVICES DEPARTMENT
CITY AND COUNTY OF HONOLULU

3375 KOAPAKA STREET, SUITE H-450 • HONOLULU, HAWAII 96819-1869
Phone: (808) 723-7800 • Fax: (808) 833-3934



PETER B. CARLISLE
MAYOR

JAMES H.E. IRELAND, M.D.
DIRECTOR

January 26, 2011

The Honorable Karl Rhoads, Chair
and Members
Committee on Labor & Public Employment
House of Representatives
28th Representative District
Hawaii State Capitol, Room 326
415 South Beretania Street
Honolulu, HI 96813

Dear Chair Rhoads and Committee Members:

Re: House Bill No. 268
Relating to Criminal History Record Checks for County Employees

The Honolulu's Emergency Services Department, City and County of Honolulu, strongly supports HB 268.

When members of our community have a medical emergency, they expect the responding Emergency Medical Services personnel to uphold a certain standard of care, medically, ethically and professionally. Paramedics often interact with people who are in vulnerable states and HB 268 will allow us to perform national criminal history information reviews to ensure that our workforce is suitable for employment and can fulfill this role.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Ireland", written over a horizontal line.

James H.E. Ireland, M.D. Director
Honolulu Emergency Services Department

ALAN M. ARAKAWA
Mayor



JEFFREY A. MURRAY
Fire Chief

ROBERT M. SHIMADA
Deputy Fire Chief

COUNTY OF MAUI
DEPARTMENT OF FIRE & PUBLIC SAFETY
200 DAIRY ROAD
KAHULUI, MAUI, HAWAII 96732

January 25, 2011

The Honorable Karl Rhoads, Chair
Committee on Labor and Public Employment
House of Representatives
State Capitol, Room 326
Honolulu, Hawaii 96813

Dear Chair Rhoads:

Subject: H.B. 268 Relating to Criminal History Record Checks for County Employees

I am Jeffrey A. Murray, Fire Chief of the County of Maui, Department of Fire & Public Safety (MFD) and a member of the State Fire Council (SFC). The MFD and the SFC support H.B. 268, which proposes to allow criminal history record checks on prospective county fire department employees who may have contact with children or dependent adults.

With the elimination of residency requirements for prospective fire department employment, the number of out-of-state applicants has increased with no legal means to verify whether or not these individuals possess the necessary qualities for dealing with children or vulnerable adults.

Public trust must not be compromised when individuals are hired as emergency responders. The public expects and deserves the utmost quality and care from the people who are entrusted to provide emergency services and fire and life safety education presentations. Conducting criminal record checks is one way to ensure that prospective fire department employees have no criminal or abuse record.

The MFD and the SFC urge your committee's support on the passage of H.B. 268.

Should you have any questions, please call SFC Administrator Socrates Bratakos at 723-7151.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey A. Murray".

JEFFREY A. MURRAY
Fire Chief

Bernard P. Carvalho, Jr.
Mayor



Robert F. Westerman
Fire Chief

Gary K. Heu
Managing Director

John T. Blalock
Deputy Fire Chief

KAUA'I FIRE DEPARTMENT
County of Kaua'i, State of Hawai'i
3083 Akahi Street, Suite 101, Lihu'e, Hawai'i 96766
TEL (808) 241-4980 FAX (808) 241-6508

January 26, 2011

The Honorable Karl Rhoads, Chair
Committee on Labor and Public Employment
House of Representatives
State Capitol, Room 326
Honolulu, Hawaii 96813

Dear Chair Rhoads:

Subject: H.B. 268 Relating to Criminal History Record Checks for County Employees

I am Robert F. Westerman, Fire Chief of the Kauai Fire Department (KFD) and a member of the State Fire Council (SFC). The SFC and the KFD support H.B. 268, which proposes to allow criminal history record checks on prospective county fire department employees who may have contact with children or dependent adults.

With the elimination of residency requirements for prospective fire department employment, the number of out-of-state applicants has increased with no legal means to verify whether or not these individuals possess the necessary qualities for dealing with children or vulnerable adults.

Public trust must not be compromised when individuals are hired as emergency responders. The public expects and deserves the utmost quality and care from the people who are entrusted to provide emergency services and fire and life safety education presentations. Conducting criminal record checks is one way to ensure that prospective fire department employees have no criminal or abuse record.

The SFC and the KFD urge your committee's support on the passage of H.B. 268.

Please call me at (808) 241-4980 should you have any questions regarding this matter.

Sincerely,
Robert Westerman

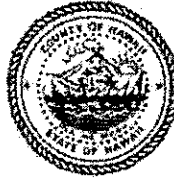
Robert Westerman
Fire Chief, County of Kaua'i

RFW/eld

RECEIVED
2011 JAN 26 P 3:53
SERGEANT-AT-ARMS
HOUSE OF
REPRESENTATIVES

LATE

William P. Kenoi
Mayor



Darryl J. Oliveira
Fire Chief

Glen P. I. Honda
Deputy Fire Chief

County of Hawai'i

FIRE DEPARTMENT

25 Aupuni Street • Suite 2501 • Hilo, Hawai'i 96720
(808) 932-2900 • Fax (808) 932-2928

January 27, 2011

TO : REPRESENTATIVE KARL RHOADS, CHAIR, COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

FROM : DARRYL OLIVEIRA, FIRE CHIEF, HAWAII FIRE DEPARTMENT

SUBJECT: HB 268 RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR COUNTY EMPLOYEES
DATE/TIME OF HEARING: FRIDAY, JANUARY 28, 2011, 9:00 A.M.

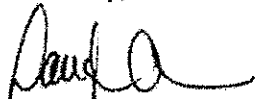
As the Fire Chief for the Hawaii Fire Department, I would like to ask for your support of HB 268 which proposes to allow criminal history record checks on prospective county fire department employees whose positions involve contact with children or dependent adults.

With the elimination of residency requirements for prospective fire department employment, the number of out-of-state applicants has increased, with no legal means to verify whether or not these individuals possess the necessary qualities for dealing with children or vulnerable adults.

Public trust must not be compromised when individuals are hired as emergency responders. The public expects and deserves the utmost quality and care from the people who are entrusted to provide emergency services and fire and life safety education presentations. Conducting criminal record checks is one way to ensure that prospective fire department employees have no criminal or abuse records.

On behalf of the Hawaii Fire Department, I request your committee's support on the passage of HB 268.

Sincerely,



DARRYL OLIVEIRA
Fire Chief

DO:lk



LATE

The Twenty-Sixth Legislature
House of Representatives
Committees on Labor and Public Employment
January 28, 2011

Testimony by
Hawaii Fire Fighters Association

H.B. No. 268 Relating to Criminal History Records Checks for County Employees

My name is Robert H. Lee and I am the President of the Hawaii Fire Fighters Association, Local 1463, IAFF, AFL-CIO. HFFA represents more than 2,800 active and retired professional fire fighters throughout the State and supports H.B. No. 268.

HFFA believes that H.B. No. 268 provides the employing fire department an additional tool during the recruitment process.

Thank you for the opportunity to testify on H.B. No. 286.