

# HB 1765, HD2

## RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR COUNTY EMPLOYEES.

Allows counties to conduct criminal history checks on prospective liquor commission employees, prospective employees working with vulnerable adults or seniors, employees for fire department and emergency medical services positions, and emergency management employees with certain additional requirements. Effective January 7, 2059.

NEIL ABERCROMBIE  
GOVERNOR



DWIGHT TAKAMINE  
DIRECTOR

AUDREY HIDANO  
DEPUTY DIRECTOR

**STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

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March 12, 2012

The Honorable Will Espero, Chair  
Committee on Public Safety, Government  
Operations, and Military Affairs  
The State Senate  
State Capitol, Room 231  
Honolulu, Hawaii 96813

The Honorable Suzanne Chun Oakland, Chair  
Committee on Human Services  
The State Senate  
State Capitol, Room 226  
Honolulu, Hawaii 96813

Dear Chairs Espero and Chun Oakland:

Subject: H.B. 1765, H.D. 2 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. 1765, H.D. 2, 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.

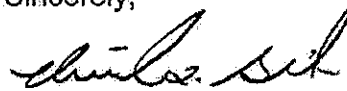
Public trust must not be compromised when individuals are hired as emergency responders. The public expects and deserves the utmost quality and care from the people who are entrusted to provide emergency services and fire and life safety education presentations. Conducting criminal record checks is one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

The Honorable Will Espero, Chair  
The Honorable Suzanne Chun Oakland, Chair  
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The SFC and the HFD urge your committees' support on the passage of H.B. 1765,  
H.D. 2.

Should you have any questions, please contact SFC Administrator Socrates Bratakos at  
723-7151 or [sbratakos@honolulu.gov](mailto:sbratakos@honolulu.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Kenneth G. Silva".

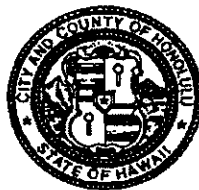
KENNETH G. SILVA  
Chair

KGS/LR:cn

DEPARTMENT OF HUMAN RESOURCES  
**CITY AND COUNTY OF HONOLULU**

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PETER B. CARLISLE  
MAYOR



NOEL T. ONO  
DIRECTOR  
ROBIN CHUN-CARMICHAEL  
ASSISTANT DIRECTOR

March 13, 2012

The Honorable Will Espero, Chair  
and Members of the Committee on Finance  
The Honorable Suzanne Chun Oakland, Chair  
and Members of the Committee on Human Services  
The Senate  
State Capitol  
Honolulu, Hawaii 96813

Dear Chairs Espero and Chun Oakland and Members:

Subject: House Bill 1765, HD2  
Relating to Criminal History Record Checks for County Employees

The City & County of Honolulu **strongly supports** House Bill 1765, HD2. The purpose of this measure 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 the employment suitability of prospective employees and employees. 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.

The Hawaii Revised Statutes, the Revised Charter of the City and County of Honolulu, and our Civil Service Rules require that our system of personnel administration be based on merit principles. State law defines the merit principle as it pertains to employment and selection, as "the selection of persons based on their fitness and ability for public employment and the retention of employees based on their demonstrated appropriate conduct and productive performance." Part of the City's process in determining the "fitness" of prospective employees is reviewing whether or not they have a criminal history record, and if they do, determining the relevancy and impact that the conviction(s) would have on their fitness (i.e., suitability) for the job for which they are being considered.

The Honorable Will Espero, Chair  
and Members of the Committee on Finance  
The Honorable Suzanne Chun Oakland, Chair  
and Members of the Committee on Human Services  
The Senate  
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It is our duty to make prudent hiring decisions regarding the suitability of the individuals who are hired for the kinds of jobs that this bill addresses. Applicants are NOT automatically disqualified for having an arrest or court record. Rather, a careful study is done which includes an opportunity for the prospective candidate to provide relevant information or input on the findings.

Since technological advances have made it possible for individuals outside of the State of Hawaii to view and apply for jobs in Hawaii, we have seen an increase in the number of out-of-state and recently relocated candidates who apply for civil service jobs in our jurisdiction. Without the proposed changes, we will not have an effective means of reviewing prospective employees' convictions that occurred out-of-state. The proposed legislation will give us the ability to efficiently obtain national criminal history record information not just for our prospective employees in recreational or child care programs who work in close proximity to children, but also for the other specified categories of employees/prospective employees who we believe work with similarly vulnerable citizens.

Thank you for the opportunity to testify.

Yours truly,



Noel T. Ono  
Director

ALAN M. ARAKAWA  
MAYOR



JEFFREY A. MURRAY  
CHIEF

ROBERT M. SHIMADA  
DEPUTY CHIEF

**COUNTY OF MAUI**  
DEPARTMENT OF FIRE AND PUBLIC SAFETY

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March 12, 2012

The Honorable Will Espero, Chair  
Committee on Public Safety, Government Operations, and Military Affairs  
State Senate  
State Capitol, Room 231  
Honolulu, Hawaii 96813

The Honorable Suzanne Chun Oakland, Chair  
Committee on Human Services  
State Senate  
State Capitol, Room 226  
Honolulu, Hawaii 96813

Dear Chairs Espero and Chun Oakland:

Subject: H.B. 1765, H.D. 2 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. 1765, H.D. 2, 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

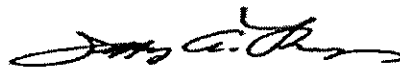
The Honorable Espero and Chun Oakland, Chair  
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people who are entrusted to provide emergency services and fire and life safety education presentations. Conducting criminal record checks is one way to ensure that prospective fire department employees have no criminal or abuse record.

The MFD and the SFC urge your committee's support on the passage of H.B. 1765, H.D. 2.

Should you have any questions, please contact SFC Administrator Socrates Bratakos at 723-7151 or [sbratakos@honolulu.gov](mailto:sbratakos@honolulu.gov).

Sincerely,

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

JEFFREY A. MURRAY  
Fire Chief