

NEIL ABERCROMBIE  
GOVERNOR



BARBARA A. KRIEG  
INTERIM DIRECTOR

DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT  
235 S. BERETANIA STREET  
HONOLULU, HAWAII 96813-2437

January 25, 2012

TESTIMONY TO THE  
HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT

For Hearing on Friday, January 27, 2012  
9:00 a.m., Conference Room 309

BY

BARBARA A. KRIEG  
INTERIM DIRECTOR

**House Bill No. 1847  
Relating to Civil Service**

TO CHAIRPERSON KARL RHOADS AND MEMBERS OF THE COMMITTEE:

The purpose of H.B. No. 1847 is to amend the civil service law by requiring an appointing authority to consider another position within the same jurisdiction for which an employee is qualified before the employee is considered for discharge due to failure to meet performance requirements.

The Department of Human Resources Development **opposes this bill** because it removes the Employers' flexibility in determining the scope within which they conduct their search. We are also concerned it will have a significant negative impact on the effectiveness of the placement as well as on our current resources. A jurisdictional search would remove the responsibility of conducting a job search from each of the individual departments and instead, will place it with this department, as the department responsible in conducting jurisdiction wide job searches. Based on the foregoing reasons, it is recommended that this bill be held.

Thank you for the opportunity to provide testimony on this measure.

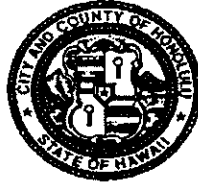
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DEPARTMENT OF HUMAN RESOURCES

**CITY AND COUNTY OF HONOLULU**

850 SOUTH KING STREET 10<sup>TH</sup> FLOOR • HONOLULU, HAWAII 96813  
TELEPHONE: (808) 768-8500 • FAX: (808) 768-5563 • INTERNET: [www.honolulu.gov/hr](http://www.honolulu.gov/hr)

PETER B. CARLISLE  
MAYOR



NOEL T. ONO  
DIRECTOR  
ROBIN CHUN-CARMICHAEL  
ASSISTANT DIRECTOR

January 27, 2012

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. 1847  
Relating to Civil Service

The City and County of Honolulu opposes H.B. 1847 as seeks to expand the parameters that a public employer needs to consider under Hawaii Revised Statutes (HRS) Section 76-41(b)(7) prior to discharging an employee due to failure to meet performance requirements. At the present time, the scope of the review of a feasible transfer or demotion is not specifically set forth in the law. If adopted, H.B. 1847 would require a public employer to consider the feasibility of transferring or demoting the employee to another position within the entire jurisdiction, i.e. the State of Hawaii if the individual is a state employee.

The City and County of Honolulu has concerns regarding the proposed amendment as it would require a jurisdiction-wide review be conducted in every instance thereby eliminating an appointing agency's ability to determine the scope of the search. This requirement will result in the employer expending work hours and incurring unnecessary costs in determining what specific positions the subject employee is qualified to perform, notwithstanding that the position(s) may not be feasible for the employee.

The Honorable Karl Rhodes, Chair  
and Members of the Committee on  
Labor and Public Employment  
The House of Representatives  
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We accordingly respectfully request that H.B. 1847 be held in committee.

Yours truly,

A handwritten signature in black ink, appearing to read "Noel T. Ono" with a stylized flourish at the end.

Noel T. Ono  
Director



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION  
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Twenty-Sixth Legislature, State of Hawaii  
House of Representatives  
Committee on Labor and Public Employment

Testimony by  
Hawaii Government Employees Association  
January 27, 2012

H.B. 1847 – RELATING TO CIVIL SERVICE

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports H.B. 1847 which amends §76-41(b), Hawaii Revised Statutes by requiring the appointing authority to consider another position within the same jurisdiction for which an employee is qualified before the employee is considered for discharge due to failure to meet performance requirements.

As currently written, §76-41, HRS, provides for seven (7) criteria that the Employer is obligated to meet when a civil service employee fails to meet performance requirements, with the last criteria stating, "prior to the end of the evaluation period that the employee is being considered for discharge due to failure to meet performance requirements, the feasibility of transferring or demoting the employee to another position for which the employee qualifies was considered." However, because the scope of the job search is not statutorily defined, state departments, counties and other jurisdictions each have their own interpretation, which leads to inconsistency in application. The Union's recourse is to file individual Performance Judge grievances over this issue, but any award provided by a Performance Judge will be limited to the jurisdiction.

For uniformity and consistency, we respectfully request passage of this legislation so that all civil service employees will be treated equally. Thank you for the opportunity to testify in support of this legislation.

Respectfully submitted,

Randy Perreira  
Executive Director