

**SB1502**

**Testimony**



HAWAII  
STATE  
ETHICS  
COMMISSION

State of Hawaii • Bishop Square, 1001 Bishop Street, ASB Tower 970 • Honolulu, Hawaii 96813

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February 22, 2011

The Honorable Clayton Hee, Chair  
The Honorable Maile S.L. Shimabukuro, Vice Chair  
Senate Committee on Judiciary and Labor  
c/o Committee Clerk  
Hawaii State Capitol, Room 002  
415 South Beretania Street  
Honolulu, Hawaii 96813

Re: **Testimony on S.B. No. 1502, Relating to Public Employment**

Hearing: Thursday, February 24, 2011, 9:00 a.m.  
State Capitol, Conference Room 016

Written Testimony From: Hawaii State Ethics Commission

The Honorable Clayton Hee, Chair; The Honorable Maile S.L. Shimabukuro, Vice Chair;  
and Honorable Members of the Senate Committee on Judiciary and Labor:

Thank you for this opportunity to testify on S.B. No. 1502, Relating to Public Employment. The Hawaii State Ethics Commission supports the intent of this bill.

The purpose of this bill is to amend Hawaii Revised Statutes (HRS) chapter 78, the Public Employment Law, to prohibit public officials from advocating the appointment, employment, promotion, or advancement of close relatives. It also prohibits public officials and public employees from appointing, employing, promoting, or advancing to an agency over which they have jurisdiction or control, their own relative, or the relative of certain public officials. This law would not be administered by the Hawaii State Ethics Commission; however, the Commission believes that a law regulating nepotism in hiring practices is appropriate. Currently, there is no law that specifically addresses nepotism. The Hawaii State Ethics Commission believes that state officials and employees should not be involved in appointing or hiring their relatives for government office. This practice engenders charges of favoritism and preferential treatment, and erodes public confidence in government hiring practices. For this reason, the Commission supports the intent of this bill.

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The Commission has introduced a bill that would similarly prohibit state officials from hiring certain relatives, absent extraordinary circumstances. See SB 994. The list of relatives affected by the prohibition is similar between the two bills. The scope of SB 994 is slightly broader in that it includes grandparents and grandchildren within the list of affected relatives.

SB 1502 is otherwise considerably broader in scope than the Commission's bill, SB 994. More specifically, in addition to prohibiting a "public official" from hiring or appointing a relative, this bill prohibits a "public official," which term as defined appears to include County employees but not to include board members, from "advocating" on behalf of a relative for appointment or employment to government position in the public official's agency. In addition, the bill prohibits a public official from hiring or appointing a relative of another public official employed in the same agency or who exercises authority over the agency.

While the Commission supports the intent of expressly delineating the relatives whom a state official, absent extraordinary circumstances, cannot hire or appoint, the Commission leaves the appropriate breadth of any nepotism legislation to the legislature and others.

We appreciate the opportunity to testify on S.B. No. 1502, Relating to Public Employment. We would like to thank this Committee for its consideration of our testimony.