



**LATE TESTIMONY**

P.O. Box 22703 • Honolulu, Hawaii 96823 • (808) 275-6275  
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**Senate JDL Committee  
Chair Clayton Hee, Vice Chair Maile Shimabukuro**

**Thursday 2/24/11 at 9:00 AM in Room 016  
SB 1502 – Public Employment**

TESTIMONY

**Nikki Love**, Executive Director, Common Cause Hawaii

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Chair Hee, Vice Chair Shimabukuro, and Committee Members:

**Common Cause Hawaii supports SB 1502**, which prohibits a public official or public employee from appointing, employing, promoting, or advancing a relative within an agency over which the public official or public employee exercises control.

Recent news articles have highlighted potential problems with nepotism in certain government agencies. The possibility of nepotism makes the public wonder whether the hiring process is fair, whether the most qualified individuals are chosen, whether the work is being done professionally and competently, and whether government resources are being properly used. These pressing questions diminish public trust in our government. This bill, along with proper enforcement, may help to address this problem and promote greater trust in the process of public service.

Please note there are differences in scope between SB 1502 and SB 994, and SB 1502 relates to HRS Chapter 78 “Public Service” whereas SB 994 relates to HRS Chapter 84 “Standards of Conduct.” We look forward seeing the testimony from relevant agencies to better understand the practical ramifications of these differences.

Mahalo for the opportunity to submit testimony.

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) 768-5583 • INTERNET: www.honolulu.gov/hr

PETER B. CARLISLE  
MAYOR



NOEL T. ONO  
DIRECTOR

February 24, 2011

The Honorable Clayton Hee, Chair  
and Members of the Committee on Judiciary and Labor  
The Senate  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Hee and Members:

Subject: **Senate Bill No. 1502**  
Relating to Public Employment

The **City and County of Honolulu, Department of Human Resources**, offers the following **comments** regarding Senate Bill No. 1502 which seeks to prohibit a public official or public employee from appointing, employing, promoting or advancing a relative within an agency over which the public official or public employee exercises control. As set forth below, we believe that while well-intended, the measure will have the unintended effect of preventing a number of qualified individuals from pursuing their chosen profession.

Similar safeguards regarding nepotism are already in place with respect to the City. Section 6-1112 of the Revised Charter of Honolulu (2000 Edition) ("RCH") specifically prohibits a public officer (which is broadly defined to include City employees) from advocating one of his or her relatives for appointment or promotion to a position in the same agency or in an agency over which the public officer exercises jurisdiction or control. This prohibition is similar to the first one contained in Senate Bill No. 1502.

RCH 6-1112 also prohibits a public officer from appointing or promoting a relative or a relative of a second public officer (if the second public officer has advocated the appointment or promotion of the officer's relative) to a position within the agency to which the public officer is assigned or over which the officer exercises jurisdiction and control. This is similar to the second prohibition set forth in the proposed measure. However, the charter provision goes on to state that the foregoing does not prohibit a public officer from appointing or promoting a relative to a position if the relative is on the

The Honorable Clayton Hee, Chair  
and Members of the Committee on Judiciary and Labor  
The Senate  
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applicable eligible list submitted by the Director of Human Resources in accordance with civil service charter provisions, laws and rules.

In our opinion this exception is reasonable given the severe effect the prohibition would otherwise have on a specific class of applicants. If the exception were not in place, relatives of an appointing authority (including cousins and in-laws) would be precluded from being employed with the agency for which the appointing authority is assigned. While the prohibition may not be as significant if the relative is seeking employment in a field filled with diverse employers, it would be tantamount to a career change if the individual wanted to work in certain positions such as a metropolitan police officer. In order to avoid this unintended consequence, we would respectfully request that this committee consider adding a similar exception to Senate Bill No. 1502.

Thank you for the opportunity to testify.

Yours truly,



Noel T. Ono  
Director



**LATE TESTIMONY**

POLICE DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
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PETER B. CARLISLE  
MAYOR

LOUIS M. KEALOHA  
CHIEF

DELBERT T. TATSUYAMA  
RANDAL K. MACADANGDANG  
DEPUTY CHIEFS

OUR REFERENCE CO-VYH

February 24, 2011

The Honorable Clayton Hee, Chair  
and Members  
Committee on Judiciary and Labor  
The Senate  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Hee and Members:

Subject: **Senate Bill No. 1502**, Relating to Public Employment

I am **Kerry Inouye**, Major of the Human Resources Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD **opposes** the passage of Senate Bill No. 1502. This bill would prohibit a public official or public employee from appointing, employing, promoting, or advancing a relative within an agency over which the public official or public employee exercises control. The Department of Human Resources (DHR) currently has a system in place for hiring and promotions that is followed by the HPD. To not hire or promote someone within our department because that person is a relative, say to the Chief of Police, would undermine this system.

The passing of this bill would not be feasible for a department of our size and would hinder the HPD and the DHR.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,

  
LOUIS M. KEALOHA  
Chief of Police

  
KERRY INOUYE, Major  
Human Resources Division

**LATE TESTIMONY**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 23, 2011 1:15 PM  
**To:** JDLTestimony  
**Cc:** web@cartoonistforchrist.org  
**Subject:** Testimony for SB1502 on 2/24/2011 9:00:00 AM

Testimony for JDL 2/24/2011 9:00:00 AM SB1502

Conference room: 016  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Lee McIntosh  
Organization: Individual  
Address:  
Phone:  
E-mail: [web@cartoonistforchrist.org](mailto:web@cartoonistforchrist.org)  
Submitted on: 2/23/2011

**Comments:**

Mr. Chair and Members of the Committee on Judiciary and Labor:  
Aloha, my name is Lee McIntosh. I live in Kau on the Big Island. I am not in favor of SB 1502, which relates to public employment. This is an unjust bill because it discriminates against relatives that should enjoy the same opportunity as everyone else for consideration if they meet the requirements for employment. Thank you for the opportunity to testify on SB 1502.

# LATE TESTIMONY



## HAWAII TECHNOLOGY ACADEMY<sup>SM</sup>

Hawaii Public Charter School #551

94-810 Moloalo Street  
Waipahu, Hawaii 96797  
808-676-5444  
808-676-5470 (Fax)

### LATE TESTIMONY

February 24, 2011

Honorable Senator Clayton Hee, Chair  
Honorable Maile S.L. Shimabukuro, Vice Chair  
Senate Committee on Judiciary and Labor

**Re: SB 1502, Public Employment - Support**  
Conference Room 016, 9 AM

Aloha Chair Hee, Vice Chair Shimabukuro and Committee Members:

On behalf of the **Hawaii Technology Academy** (HTA), a public charter school with learning centers in Waipahu and Princeville serving students on Oahu, Kauai, Hawaii Island and parts of Maui, thank you for the opportunity to testify in support of this bill.

We support SB1502, which prohibits a public official or public employee from appointing, employing, promoting, or advancing a relative within an agency over which the public official or public employee exercises control or the relative of another public official or employee employed by or exercising control over the same agency.

We believe this bill is a positive step toward the establishment of sound hiring practices and helps to clarify an area of the state law which is currently silent on nepotism issues.

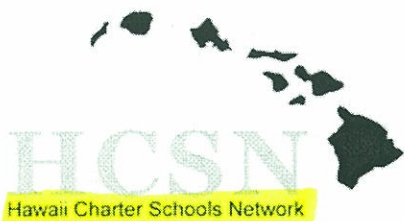
We **support** this bill and support the adoption of best practices in hiring and advancement of employees in all government agencies, including public charter schools.

Sincerely,

**Jeff Piontek**  
Hawaii Technology Academy Head of School



# LATE TESTIMONY



February 24, 2011

To: COMMITTEE ON JUDICIARY AND LABOR  
Senator Hee, Chair  
Senator Shimabukuro, Vice Chair  
9:00 a.m.  
Conference Room 016  
State Capitol

Re: SB 1502, Public Employment; Relatives; Hiring; Appointment

Testimony: In Support

HCSN is a 501c3 educational quality initiative representing 31 Hawai'i public charter schools. We support building of public trust via responsible stewardship of public dollars. We believe that SB 1502 will strengthen and clarify employment practices for state and county employees and help to build and maintain public trust.

The HCSN and Hawai'i's public charter school community are dedicated to best practices in all areas of running a school. We will encourage and work with all of our members to formally adopt best practices in hiring and advancement of employees in our charter schools whether or not this bill is passed into law.

Sincerely,

Curtis Muraoka  
Vice President