



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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LATE TESTIMONY

The Twenty-Sixth Legislature, State of Hawaii
Hawaii State Senate
Committee on Judiciary and Labor

Testimony by
Hawaii Government Employees Association
January 26, 2012

S.B. 2213 – RELATING TO CIVIL SERVICE

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports S.B. 2213 which amends §76-41(b), Hawaii Revised Statutes by requiring the appointing authority to consider another position within the same department 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