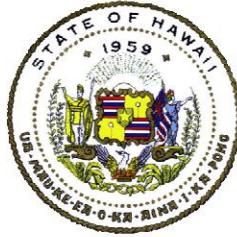


NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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TED SAKAI
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Deputy Director
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No. _____

TESTIMONY ON HOUSE BILL (HB) 2335
A BILL FOR AN ACT RELATING TO
CORRECTIONAL HEALTH CARE
by
Ted Sakai, Director
Department of Public Safety

House Committee on Public Safety
Representative Henry J.C. Aquino, Chair
Representative Kaniela Ing, Vice Chair

Thursday, February 6, 2014, 10:00 a.m.
State Capitol, Conference Room 309

Chair Aquino, Vice Chair Ing, and Members of the Committee:

The Department of Public Safety (PSD) **strongly supports** HB 2335, which would enable the Director to appoint qualified mental health professionals to PSD's Mental Health Branch's leadership positions, without regard to Chapter 76, Hawaii Revised Statutes.

Since December 2008, PSD has entered into a settlement agreement with the United States Department of Justice to improve mental health services to persons incarcerated at the Oahu Community Correctional Center (OCCC). Since that time, substantial improvements have been made, including the creation of additional positions to manage mental health services statewide.

Filling these positions has been a challenge due to the unique nature of providing mental health services within the correctional setting. Chronically

mentally ill inmates most often have histories of failed treatment within the community, resulting in the escalation of antisocial and criminal behaviors that brings them into the criminal justice system.

Given the attributes of the population, and the services that are located within correctional facilities, PSD has had to aggressively recruit qualified candidates, and offer salaries that commensurate with experience through contracts, rather than filling positions authorized through the budget.

To resolve this dilemma, PSD is requesting the passage of this bill, which would exempt from civil service, the Mental Health Care Branch Administrator and the Mental Health Care Sections Administrator positions.

Thank you for the opportunity to present this testimony.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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The Twenty-Seventh Legislature, State of Hawaii
Hawaii State House of Representatives
Committee on Public Safety

Testimony by
Hawaii Government Employees Association
February 6, 2014

H.B. 2335 – RELATING TO CORRECTIONAL
HEALTH CARE

The Hawaii Government Employees Association opposes H.B. 2335. We cannot support the exemption of the Mental Health Branch Administrator and Section Administrators within the Department of Public Safety (PSD) from Chapter 76, HRS. The HGEA is very concerned about the number of exempt positions within the Executive Branch of state government. The exemption of positions from civil service has become too prevalent and is inconsistent with purpose and intent of Article XVI of the Hawaii State Constitution and Section 76-1 HRS. Branch and section chiefs are usually part of the civil service system.

The problems and challenges created by exempt positions are that while most are included in HGEA bargaining units, and the union collects dues from them, they are not protected under the discipline and reduction-in-force article for bargaining units 3, 4 and 13. They are also ineligible for step movements. Exempt employees in Unit 13 are also precluded from earning overtime. Many exempt employees have been employed by the State of Hawaii for years and provide valuable service to their respective departments, yet they are not treated fairly by the employer.

Despite the challenges faced by PSD in treating mentally ill inmates, we believe these positions should be filled within the civil service system. If there are problems with the state civil service system, those should be corrected before we automatically default to creating more exempt employees, which are considered by the Department Human Resources Development to be "at will". Employees who are "at will" make it less likely that they will exercise independent judgment, especially to offer critical opinions, out of fear of being fired. There is also no evidence that "at will" employment increases productivity or job performance.

The state's civil service system needs significant reform so that it can preserve the merit principle while at the same time being flexible and responsive enough to meet the demands of departments like PSD and offer competitive salaries. In other words, the civil service system must be adaptable to change, including changes in the state's demographics, the organization of work, and the conceptions of work and career on the part of employees. We appreciate the opportunity to testify in opposition to H.B. 2335.

Respectfully submitted,

Randy Perreira
Executive Director