

NEIL ABERCROMBIE
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February 19, 2013

**TESTIMONY TO THE
HOUSE COMMITTEE ON FINANCE**

For Hearing on Wednesday, February 20, 2013
3:30 p.m., Conference Room 308

BY

BARBARA A. KRIEG
DIRECTOR

**House Bill No. 743, House Draft 1
Relating to Public Employment**

TO CHAIRPERSON LUKE AND MEMBERS OF THE COMMITTEE

Thank you for the opportunity to provide testimony on H.B. 743, H.D. 1.

H.B. 743, H.D. 1, proposes to permit public employees to use paid leave during normal business hours to attend preschool or school activities that are directly related to a child's educational, cultural, or social development. The measure amends Hawaii Revised Statutes (HRS) Section 78-31 by adding this new reason for leave. H.B. 743, H.D. 1, also increases the duration of paid leave from "up to two hours" to "up to three hours" while increasing the number of leave requests from "no more than two" to "no more than three." The amendments accordingly provide a public employee with up to five additional hours of paid leave.

While we recognize the significant positive impact parental involvement has on the educational, cultural, and social advancement of children, we have concerns with the potential impact H.B. 743, H.D. 1, will have on state operations and finances. **The**

Department of Human Resources Development therefore respectfully opposes the bill.

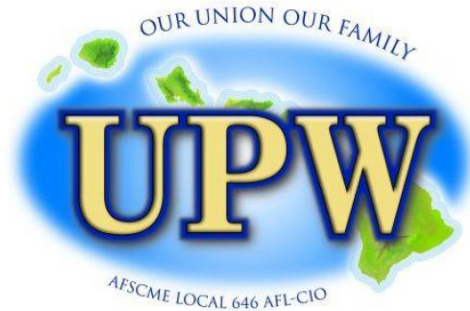
We are aware of the provision in HRS Section 78-31 which states that the use of paid leave is not supposed to adversely interfere with the operations of the work unit nor require the applicable agency to incur additional human resources or overtime costs. However, this statutory constraint on the use of paid leave cannot always be straightforwardly applied in practice. It is therefore likely that the additional leave benefits provided by H.B. 743, H.D. 1, will lead to an increase in overtime costs for 24/7 operations with mandated staffing levels as employees will need to be called in to staff shifts when their fellow employees utilize the leave. Operations with limited resources can also be expected to incur similar increases in overtime costs as a result of the need to maintain their level of service to the public.

There would be a significant financial cost to the state even if agencies were to limit the use of school related paid leave to those instances where the leave would not adversely interfere with operations nor require an agency to incur additional overtime costs. By our estimation, the fiscal impact of the additional five (5) hours of paid time-off for State employees alone could be in excess of one million dollars.

At the same time, H.B. 743, H.D. 1, appears to conflict with existing law. Act 253 (SLH 2000) removed human resources policy and management matters such as leave from civil service laws and included the enactment of HRS Section 78-23. That section specifically provides that public employees “shall be eligible for vacation leave, sick leave, and other leaves of absence, with or without pay, as negotiated under chapter 89 or adjusted under chapter 89C, as applicable.”

Finally, we note that public employees are already provided with generous leave benefits which they can utilize to attend their children’s academic calendared activities.

In light of the foregoing, the Department of Human Resources Development respectfully requests that H.B. 743, H.D. 1, be held in committee. Thank you for the opportunity to testify on this measure.



THE HAWAII STATE HOUSE OF REPRESENTATIVES
The Twenty-Seventh Legislature
Regular Session of 2013

COMMITTEE ON FINANCE

The Honorable Rep. Sylvia Luke, Chair
The Honorable Rep. Scott Y. Nishimoto, Vice Chair
The Honorable Rep. Aaron Ling Johanson, Vice Chair

DATE OF HEARING: Wednesday, February 20, 2013

TIME OF HEARING: 3:30 P.M.

PLACE OF HEARING: Conference Room 308

TESTIMONY ON HB743 HD1 RELATING TO PUBLIC EMPLOYEES

By DAYTON M. NAKANELUA,
State Director of the United Public Workers, AFSCME Local 646, AFL-CIO

My name is Dayton M. Nakanelua and I am the State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO (UPW). The UPW is the exclusive representative for approximately 11,000 public employees, which include blue collar, non-supervisory employees in Bargaining Unit 01 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represents about 1,500 members of the private sector.

The UPW supports HB743 that permits public employees limited paid leave for academic calendared activities, increases the hours of paid leave for individual education-related activities, and increases the number of paid leaves for education-related activities permitted per calendar year.

This measure would allow public employees to more actively participate in children's schooling. Studies have proven that students whose families support and participate in their schooling tend to do better. We ask that the Committee pass this bill in support of strengthening families and facilitating educational excellence throughout our island state.

Thank you for the opportunity to testify on this measure.

