



**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813

<http://labor.hawaii.gov>

Phone: (808) 586-8842 Fax: (808) 586-9099

February 12, 2013

To: The Honorable Sylvia Luke, Chair,
The Honorable Scott Nishimoto, Vice Chair,
The Honorable Aaron Ling Johanson, Vice Chair, and
Members of the House Committee on Finance

Date: Thursday, February 14, 2013
Time: 2:45 p.m.

Place: Conference Room 308, State Capitol

From: Dwight Y. Takamine, Director
Department of Labor and Industrial Relations (DLIR)

Re: H.B. No. 919 Relating to State Employment

I. OVERVIEW OF PROPOSED LEGISLATION

- H.B. No. 919 amends the Civil Service law, Chapter 76, Hawaii Revised Statutes (HRS), Section 76-16(b)(13), to clarify that participants in federally funded work experience training and temporary public service employment are included in exemptions from state civil service.
- The proposed legislation also amends the Public Service Law, Chapter 78, HRS, Section 78-2.6, to allow controlled substance abuse-related offenders to be hired in work experience training and temporary public service employment, provided reasonable safeguards are in place to protect employees and the public.

The department strongly supports this Administration measure.

II. CURRENT LAW

HRS Section 76-16(b)(13) sets forth that positions filled by inmates, kokuas, patients of state institutions, persons with severe physical or mental disabilities participating in the work experience training programs, and students and positions filled through federally funded programs that provide temporary public service employment such as the federal Comprehensive Employment and Training Act of 1973 are exempt from state civil service.

Section 78-2.6 prohibits the hiring of a person in public employment if that person had a criminal conviction for a controlled substance-related offense in the past three years.

III. COMMENTS ON THE HOUSE BILL

- The current exemptions under Section 76-16(b)(13), HRS, enable target populations in federally funded programs to be employed in temporary state jobs as work-experience trainees. They include former prison inmates, long-term unemployed, welfare recipients who often lack work experience, laid-off workers with obsolete skill sets, and/or at-risk youth without marketable skills.
- These persons require more supervision and training in specially designated work-experience trainee positions. As trainees, participants gain exposure to different work environments, develop good work habits, build confidence, and enhance work skills. Work experience training is only provided if appropriate based on individualized career counseling and career planning.
- Work-experience trainees are also exempt from civil service for temporary public service employment positions, which usually become available only after natural disasters when essential public services must be restored as quickly as possible.
- The proposed revisions to Section 76-16(b)(13) clarify the target groups and replace the reference to the federal Comprehensive Employment and Training Act with the more current federal Workforce Investment Act of 1998 and the federally funded Senior Community Services Employment Program.
- The other revision pertains to Section 78-2.6, which bars the filling of work-experience trainee positions and temporary public service employment positions with ex-offenders who had substance abuse convictions, despite the persons demonstrating their rehabilitation and their need to become a contributing member of the community after release.
- The current prohibition precludes former inmates in the Big Island's Going Home project from participating in work experience training although the project has been a successful model to transition prisoners back into the community. The project was made possible through partnerships among the Department of Public Safety, Judiciary, substance abuse rehabilitation agencies, and other social service agencies.

- Although Hawaii data is not available, states with comprehensive reentry programs show a positive correlation between employment and reduced recidivism. For example, a 1992 study of Project RIO (Re-Integration of Offenders) operated by the Texas Workforce Commission to more than 15,000 parolees each year found the following:
 - In the year after release, 23% of RIO participants were re-incarcerated versus 38% of non-RIO parolees; and
 - One year after release, 69% of RIO participants secured employment versus 36% of non-participants.*
- Research in other states such as Illinois and Florida confirmed that participation in reentry programs resulted in social and economic benefits for the participants as well as the community and that ex-offenders are more likely to become taxpayers and not tax burdens through reentry programs.**
- This proposal will enable former substance abuse offenders to fill work-experience and public service employment positions provided reasonable safeguards are in place to protect the public and employees so that they can transition more effectively into the community where they live.

* *U.S. Department of Justice, Office of Justice Programs, Program Focus, NCJ 167575, June 1998.*

** *U.S. Department of Justice, Office of Justice Programs, Program Focus, NCJ 168637, June 1998; U.S. Department of Justice, Office of Justice Programs, Program Focus, NCJ 166820, December 1997.*

COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

Phones/E-Mail: (808) 533-3454, (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Scott Nishimoto, Vice Chair

Rep. Aaron Ling Johanson, Vice Chair

Thursday, February 14, 2013

2:45 p.m.

Room 308

STRONG SUPPORT FOR HB 919 - STATE EMPLOYMENT

Aloha Chair Luke, Vice Chairs Nishimoto and Johanson and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies for more than a decade. This testimony is respectfully offered on behalf of the 5,800 Hawai'i individuals living behind bars, always mindful that approximately 1,500 individuals are serving their sentences abroad, thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

HB 919 clarifies exemptions from civil service for federally funded work experience programs and temporary public service employment; allows persons with criminal conviction of a controlled-substance-related offense to participate in such programs provided reasonable safeguards are in place.

Community Alliance on Prisons is in strong support of this measure that states that *"an applicant shall not be automatically disqualified from employment based on a controlled – substance – related offense, provided that reasonable safeguards are in place to protect employees and the public."*

Employment is the biggest barrier to reintegration for persons with criminal records, yet meaningful work remains one of the most important ways to keep individuals out of prison.

Cognizant of the number of nonviolent drug lawbreakers in federal and state prisons and the barriers to employment, the EEOC relaxed its guidelines on April 25, 2012. We know in Hawai'i that the majority of our incarcerated population is imprisoned because of drugs and/or drug-related crimes. Being denied employment because of a criminal record, regardless of the work one has done to rehabilitate himself/herself and change their thinking and lives, only places people on the margins of society. This is a threat to public safety because when one has no hope, one has nothing to lose.

We know of many stories where people who were formerly incarcerated for drugs have been denied employment, even though many have obtained advanced degrees (MAs and PhDs) and have maintained clean records. This does not help our community.

Community Alliance on Prisons thanks the committee for hearing this important bill and urges its passage. Mahalo for this opportunity to testify.