

HB 919



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

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January 30, 2013

To: The Honorable Mark Nakashima, Chair,
The Honorable Mark Hashem, Vice Chair, and
Members of the House Committee on Labor & Public Employment

Date: Friday, February 1, 2013

Time: 8:00 a.m.

Place: Conference Room 309, 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

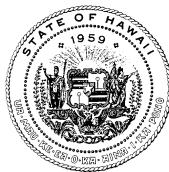
- The current exemptions under Section 76-16(b)(13), HRS, enable target populations in federally funded programs to be employed in temporary state jobs as work-experience trainees. They include former prison inmates, long-term unemployed, welfare recipients who often lack work experience, laid-off workers 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.*

NEIL ABERCROMBIE
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January 30, 2013

COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

Rep. Mark M. Nakashima, Chair

Rep. Mark J. Hashem, Vice Chair

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Rep. Ryan I. Yamane

Rep. Linda Ichiyama

Rep. Kyle T. Yamashita

Rep. Kaniela Ing

Rep. Aaron Ling Johanson

Rep. Roy M. Takumi

To The Honorable Chair Mark Nakashima, Vice Chair Hashem and Committee Members:

My name is Blayne Hanagami, Hawaii Branch Manager for the Workforce Development Division, Going Home's Employer Relations Chair, and recently-appointed State Re-Entry Commissioner and would like to provide this written testimony in full support of H.B. 919.

H.B. 919 will enable our agency to avail invaluable work experiences to ex-offenders reintegrating into our communities oftentimes with limited work experiences and understandably long bouts of unemployment. The current laws restrict many of our ex-offenders from participating in these very work components that can provide the much-needed work experiences and references needed for securing and maintaining meaningful employment.

This Bill also acknowledges establishing the necessary safeguards to insure the integrity of this Work Experience Component for our employer worksites and those ex-offenders who have been, to date, systematically denied this contextual learning module. If passed, there are already many public and private, non-profit work sites willing to support the reintegration of our ex-offenders via this valuable work component.

I urge this Committee to support H.B. 919 as it will significantly complement the re-entry and reintegration efforts of our Workforce Development Division and Going Home Consortium.

Thank you very much for your favorable consideration for H.B. 919.

Respectfully,

Blayne Hanagami,
Hawaii Branch Manager



House Mark Nakashima, Chair
House Mark Hashem, Vice Chair
Fellow House Committee Members
House Committee on Labor & Public Employment
Testimony in Support of HB#919

Aloha Mai Kakou Chair Nakashima, Vice Chair Hashem, and Fellow Committee Members:

I am Kenneth Rowe: Co-Chairperson for our Going Home Consortium Executive Committee, Co-Case Management, Vice-Chairperson for Former Incarcerated & Reentry Support Team (FIRST), Community Relations, and member of Employer Relations, and I am also the Reentry Coordinator for Dept. of Public Safety – Reentry Office, here on the Big Island of Hawai'i.

As an active member, supporter, and executive co-chair of our Going Home Consortium, we are asking for your support with HB#919, for the following reasons:

1. As identified in the Justice Reinvestment, and with other evidence-based-practices, “employment” is one of the key factors in reducing recidivism. As a great number of offenders exiting incarceration, and transitioning back into our community, lack the necessary work experience and skills set needed to sustain a long-term work history. HB#919 will allow an offender to obtain “work experience training,” needed for them to be competitive in our labor market.
2. The significance of our Going Home Consortium is that without the effective support of the Department of Labor & Industrial Relations – Workforce Development Division, we on the Big Island will not be as effective.
3. We understand that during these tough economic times we need to pull our resources by working together, organizing partnerships, collaborating with the people in our community, and most of all working with the different levels of our government – federal, state and county throughout the state, in creating potential job opportunities.

4. As reiterated in Justice Reinvestment, reentry begins from the inside, but it is nurtured, supported, and grown on the outside in our community. An offender must become a productive member of our community, and employment is a key factor for them. This will allow them to “pay restitution, pay fines, and most of all pay taxes.”
5. Our Going Home Consortium and all our partners would be a great resource, mentor, and worksite for our offender to gain valuable work experience training. Many of our members come from organizations that are “non-profit”, “faith based,” and “government agencies,” that would meet the worksite requirements for HB#919, and the DOL federal regulations.
6. HB#919 will be a valuable asset and resource to prevent offenders from committing new crimes. Thus will prevent new victims, reduce added strains on an already overburdened criminal justice system, and will avert hurt families and loved ones.

Supporting HB#919 will provide long-term social and economic benefits for the entire state of Hawai'i. Therefore, I humbly ask that this committee support HB#919.

E Ke Akua ame E Malama Pono

A hui hou,



Kenneth M. Rowe,
Going Home Consortium Executive Co-Chair
PSD: Reentry Office - Reentry Coordinator
933-3453

Cc:

- House Committee on Labor & Public Employment
- Going Home Consortium Executive Committee

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COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

Rep. Mark Nakashima, Chair

Rep. Mark Hashem, Vice Chair

Friday, February 1, 2013

8:00 a.m.

Room 309

STRONG SUPPORT FOR HB 919 - STATE EMPLOYMENT

Aloha Chair Nakashima, Vice Chair Hashem 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."*

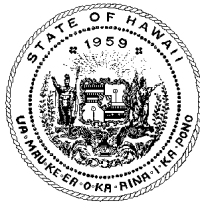
Employment is the biggest barrier to reintegration for persons with criminal records, yet meaningful work remains one of the most important ways to keep individuals out of prison.

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.

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INTERIM DIRECTOR

Martha Torney
Deputy Director
Administration

Deputy Director
Corrections

Keith Kamita
Deputy Director
Law Enforcement

TESTIMONY ON HOUSE BILL 919
RELATING TO
STATE EMPLOYMENT
by
Ted Sakai, Interim Director
Department of Public Safety

LATE TESTIMONY

House Committee on Labor & Public Employment
Representative Mark M. Nakashima, Chair
Representative Mark J. Hashem, Vice Chair

Friday, February 01, 2013; 8:00 a.m.
State Capitol, Conference Room 309

Chair Nakashima, Vice Chair Hashem, and Members of the Committee:

The Department of Public Safety (PSD) supports the passage of H.B. 919, Relating to State Employment, to enable the state to further implement the work experience training programs and temporary public service employment.

The proposed amendment will allow offenders who have been convicted of controlled substance abuse related offenses to participate in work experience training provided reasonable safeguards are in place to protect employees and the public. The passage of H.B. 919 will enhance PSD's efforts in successfully preparing imprisoned offenders, including those participating in the Going Home Project in County of Hawaii, for their transition into the community through participation in federally funded programs, such as, work experience training and temporary public service employment. The Going Home Project has been a successful model of partnerships with PSD and other private and public agencies committed to addressing the needs of transitioning offenders to minimize their risk of re-offending. Participants in work experience training will acquire good work habits and skills that will increase their ability to secure jobs after the completion of training.

Numerous studies have found that criminal offenders are less likely to return to prison, if they remain gainfully employed. PSD finds that H.B. 919 will enhance the opportunities for criminal offenders transitioning from prison for the development of job skills and the securing of gainful employment.

Thank you for the opportunity to present this testimony.