



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

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March 25, 2013

To: The Honorable David Ige, Chair
The Honorable Michelle Kidani, Vice Chair, and
Members of the Senate Committee on Ways and Means

Date: Monday, March 25, 2013
Time: 9:05 a.m.
Place: Conference Room 211, 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.*