

# **SB 73**

**Report Title:**

RELATING TO PUBLIC SAFETY

**Description:**

Authorizes the department of public safety to hire retired adult corrections officers to contracts for periods of eighty-nine days or less to reduce overtime expenses of the department

NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
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No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 73  
RELATING TO PUBLIC SAFETY

By  
Ted Sakai, Interim Director  
Department of Public Safety

Senated Committee on Public Safety, Intergovernmental and Military Affairs  
Senator Will Espero, Chair  
Senator Rosalyn H. Baker, Vice Chair

Senate Committee on Judiciary and Labor  
Senator Clayton Hee, Chair  
Senator Maile S. L. Shimabukuro, Vice Chair

Monday, February 11, 2013, 10:00 a.m.  
State Capitol, Conference Room 16

Chairs Espero and Hee, Vice Chairs Baker and Shimabukuro, and Members of the Committee:

The Department of Public Safety **supports** Senate Bill 73 to hire retired Adult Corrections Officers (ACO) on a contract that is exempt from Chapter 76, Hawaii Revised Statutes, for 89 days or less to reduce the overtime expense of the department.

The option to create exempt contract positions to cover for vacancies, sick leave, and other short-term leaves is a viable solution in addressing the overtime issue.

The retired ACO is already trained to do the job, and will be able to be "on-call" to cover either Halawa Correctional Facility or Oahu Community Correctional Center. The retired ACO will be paid only for the hours he/she worked.

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This will result in savings by paying straight time instead of overtime for replacement staff coverage. It will reduce the incidents of current ACOs working 16 hour shifts, that will ensure adequate coverage.

Although we support this bill, we recognize that there may be collective bargaining issues that need to be addressed. We stand ready to work with the United Public Workers Union on this.

Thank you for the opportunity to testify on this matter.

TESTIMONY BY WESLEY K. MACHIDA  
ADMINISTRATOR, EMPLOYEES' RETIREMENT SYSTEM  
STATE OF HAWAII  
TO  
THE SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND  
MILITARY AFFAIRS  
AND  
THE SENATE COMMITTEE ON JUDICIARY AND LABOR  
ON  
SENATE BILL 73

FEBRUARY 11, 2013

RELATING TO PUBLIC SAFETY

Chair Espero, Chair Hee and Members of the Committees:

S.B. 73 allows the department of public safety to create a pilot program to hire, on a contractual basis, adult corrections officers (ACOs) retired from the Employees' Retirement System (ERS), to staff corrections facilities. This proposal amends section 88-9(d) to specifically state that retired ACOs may be employed without reenrollment in the ERS in order that they suffer no loss or interruption of benefits provided by the system.

Although the ERS Board understands the need for the department of public safety to reduce costs and staff their facilities with qualified employees, the Board opposes this bill as section 88-9(d) adequately provides for the employment of retirants after meeting specific retirement and reemployment criteria. It is unnecessary to identify a particular group of retirants under this re-employment provision. Further, as the Internal Revenue Service scrutinizes these types of post-retirement appointments, as a general policy to protect the ERS' tax-qualified status, the ERS Board discourages this practice.

Thank you for the opportunity to testify on this important measure.