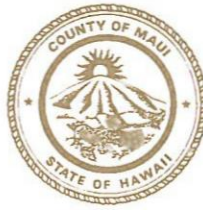


ALAN M. ARAKAWA
MAYOR



200 South High Street
Wailuku, Hawai'i 96793-2155
Telephone (808) 270-7855
Fax (808) 270-7870
e-mail: mayors.office@mauicounty.gov

OFFICE OF THE MAYOR

Ke'ena O Ka Meia
COUNTY OF MAUI – Kalana O Maui

TESTIMONY OF ALAN ARAKAWA, MAYOR COUNTY OF MAUI

BEFORE THE HOUSE COMMITTEE ON FINANCE

Friday, February 21, 2014, 11:00 a.m., Conference Rm. 308

HOUSE BILL 1588 RELATING TO QUALIFIED COMMUNITY REHABILITATION PROGRAMS

The Honorable Sylvia Luke, Chair
Honorable Scott Y. Nishimoto, Vice Chair
Honorable Aaron Ling Johanson, Vice Chair
And Members of the House Committee on Finance

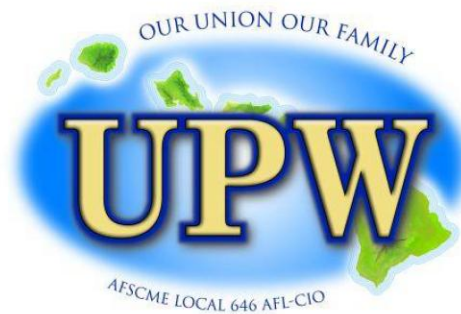
Thank you for this opportunity to testify in **support of HB 1588** relating to Qualified Community Rehabilitation Programs.

The purpose of this measure is to amend the exemption from the civil service laws for personal services, building, custodial, and grounds maintenance services with qualified community rehabilitation programs at a cost of no more than \$850,000 by specifying that the \$850,000 maximum applies "per contract".

I support this measure for the following reason:

- Qualified community rehabilitation programs provide disabled individuals in the community with needed work skills, training, and support for their growth and success. This measure will help to assure the continued ability for persons with mental and physical challenges to gain important job training skills and be placed into the work force. As mayor of Maui County, I am very supportive of these tremendous employment opportunities for this sector.

Thank you for this opportunity to offer testimony in **support of HB 1588**.



LATE

THE HAWAII STATE HOUSE OF REPRESENTATIVES
The Twenty-Seventh Legislature
Regular Session of 2014

COMMITTEE ON

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

DATE OF HEARING: Friday, February 21, 2014
TIME OF HEARING: 11:00 AM
PLACE OF HEARING: Conference Room 308

**TESTIMONY ON HB1588 HD1 RELATING TO QUALITY COMMUNITY
REHABILITATION PROGRAMS**

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

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 14,000 public employees, which include blue collar, non-supervisory employees in Bargaining Unit 1 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 opposes HB1588 HD1, which amends the civil service exemption for personal service contracts for custodial and grounds maintenance services with qualified community rehabilitation programs to last no more than one year and at a cost of \$850,000 per contract.

This measure seeks to replace positions and jobs traditionally fulfilled by public civil service employees. Changing Act 191, SLH 207 by increasing the cap to \$850,000 per contract promotes privatization and may create legal problems as it contradicts the findings in *Konno vs. County of Hawaii*.

We ask that you hold this bill in committee.

Thank you for the opportunity to testify on this measure.

February 19, 2014

Chair Sylvia Luke
Finance Committee
Hawaii State Capitol, Room 306
Honolulu, HI 96813

Re: Committee on Finance Hearing on Friday February 21, 2014 at 11:00am regarding HB 1588.

Dear Chair Luke:

I am writing in support of HB 1588 that clarifies the language in exemption # 16 of HRS 76-77. The bill amends the exemption from the civil service laws for contracts for personal services, building, custodial, and grounds maintenance services, with qualified community rehabilitation programs at a cost of no more than \$850,000 **by specifying that the \$850,000 maximum applies per contract.**

This effort is a result of a recent interpretation of exemption #16 from the County of Maui Corporation Counsel. Their current interpretation is that the cap of \$850,000 is for all contracts instead of per contract. **It is important to note that in 2008 when the cap amount of \$850,000 was put into law, Ka Lima O Maui already had \$1 million in contracts with the County of Maui.** All parties involved always intended for the amount of \$850,000 to be interpreted as per contract and not as a total amount. Otherwise, Ka Lima would have been out of compliance from the inception of the law.

The future of these contracts is crucial to the mission of our organization; "Enhancing Lives through Self-Reliance" for persons with disabilities through employment related programs. Our grounds and custodial service contracts, that currently total \$1.2 million, employ 50 persons with disabilities. The contracts allow us to deliver services such as assessments, evaluation and training and ultimately employment for a population that is often times overlooked. Employment opportunities provide dignity, self-respect, independence and the chance to become contributing members of our community.

Please help us by supporting HB 1588 so we can continue to put paychecks in deserving hands. Thank you for your consideration and support.

Sincerely,

Chantal Ratte
Executive Director, Ka Lima O Maui



Enhancing Lives Through Self-Reliance

RECEIVED

2014 FEB 19 P 3:32

SERGEANT-AT-ARMS
HOUSE OF
REPRESENTATIVES

Date: February 19, 2014.

Time: 3:16 pm.

To: Finance Committee.

Company: Hawaii State Capital, Room 306.

From: Kalima O Maui

We are transmitting 9. pages including this cover sheet.

Remarks:

Fax: 1800-775-3859.



"Enhancing Lives Through Self-Reliance"

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Sincerely,

Susan Sutherland
Board Member, Ka Lima O Maui

J. Walter Cameron Center, 95 Mahalani Street, Suite 19B - Wailuku, Hawaii 96793

Tel: (808) 244-5502 / 244-5503 - Fax: (808) 244-2077

info@kalimaomaui.org



"Enhancing Lives Through Self-Reliance"

February 19, 2014

Representative Sylvia Luke
Chair of Finance Committee
Hawaii State Capitol, Room 306
Honolulu, HI 96813
Fax #: (808) 586-6200

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Since 2008 the county has considered each contract on its own merits for value and allowable costs. This method resulted in employment of more than fifty individuals, with a variety of disabilities. The quality of life resulting from self-sufficiency is unattainable in any other way. It is now proposed that the county add up multiple contracts to determine allowable cost. This change would significantly reduce the employment opportunities for workers with disabilities.

As an employee of Ka Lima O Maui, I have witnessed firsthand the transformation in individual lives due to job skills training. This county should be proud of the accomplishment of integrating so many disabled individuals into the workforce. Changing procedures now to favor another constituency at the expense of the county's most vulnerable workers would be extremely unfortunate.

Reducing employment opportunities for individuals with disabilities will turn productive, service providing taxpayers into consumers of expensive social services. Please don't make this short sighted error.

Sincerely,

Sharon Ferrell
Sharon Ferrell

J. Walter Cameron Center, 95 Mahalani Street, Suite 19B - Wailuku, Hawaii 96793
Tel: (808) 244-5502 / 244-5503 - Fax: (808) 244-2077
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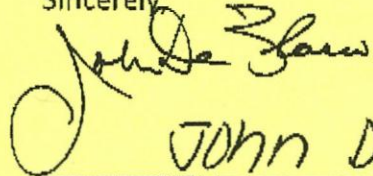
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Sincerely,


JOHN DeBlasio

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Sincerely,

A handwritten signature in black ink, appearing to read 'Barbara Kim-Cuthal'.

BARBARA KIM-CUTHAL

J. Walter Cameron Center, 95 Mahalani Street, Suite 19B - Wailuku, Hawaii 96793
Tel: (808) 244-5502 / 244-5503 - Fax: (808) 244-2077
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Sincerely,

A handwritten signature in cursive script that reads "Ramona Maddela".

Ramona Maddela.

J. Walter Cameron Center, 95 Mahalani Street, Suite 19B - Wailuku, Hawaii 96793

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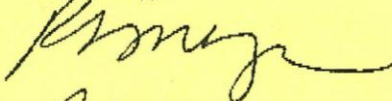
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Sincerely,



Robin Gagon

J. Walter Cameron Center, 95 Mahalani Street, Suite 19B - Wailuku, Hawaii 96793

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info@kalimaomaui.org



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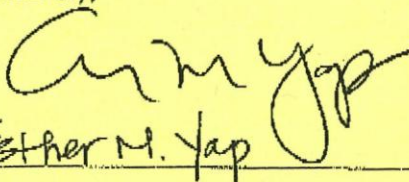
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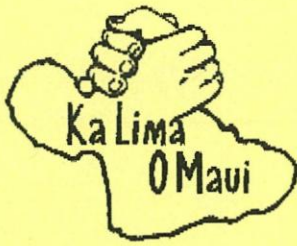
Sincerely,


Esther M. Yap

J. Walter Cameron Center, 95 Mahalani Street, Suite 19B - Wailuku, Hawaii 96793

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Sincerely,

Nancy Tabun

NANCY TABUN

J. Walter Cameron Center, 95 Mahalani Street, Suite 19B - Wailuku, Hawaii 96793
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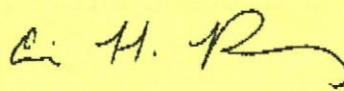
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Sincerely,


ERIN RAMIREZ

J. Walter Cameron Center, 95 Mahalani Street, Suite 19B - Wailuku, Hawaii 96793

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"Enhancing Lives Through Self-Reliance"

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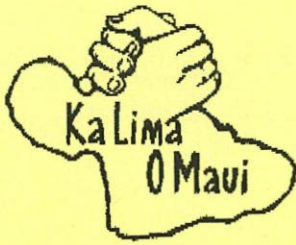
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Sincerely,

Jason Sugahara

JASON SUGAHARA



"Enhancing Lives Through Self-Reliance"

February 19, 2014

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Hawaii State Capitol, Room 306
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Sincerely,

Sally Keanini

Sally Keanini



"Enhancing Lives Through Self-Reliance"

February 19, 2014

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Sincerely,

Nathan Rosberg

Nathan Rosberg



"Enhancing Lives Through Self-Reliance"

February 19, 2014

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Sincerely,

Kahale Medeiros

Kahale Medeiros



"Enhancing Lives Through Self-Reliance"

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Sincerely,

JOSEPH Keanini



"Enhancing Lives Through Self-Reliance"

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LEROY MIRANDA.



"Enhancing Lives Through Self-Reliance"

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Eugene Perretira

EUGENE PERRERIRA.



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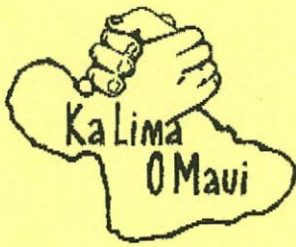
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Sincerely,

Jamika Sarol

Vanice Sarol



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ROBIN N. SWAN.



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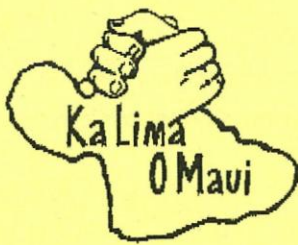
Dear Chair Luke:

Please support HB1588 to help me keep my job at Ka Lima O Maui. Ka Lima has given me job skills and training to hold a job. These contracts are very important to me and my peers. Because of this job, I now earn my own money and that gives me independence and confidence. I work hard keep everything clean.

By supporting this bill, you are helping persons with disabilities keep their job.

Sincerely,

HOKU Bailey.



"Enhancing Lives Through Self-Reliance"

February 19, 2014

Representative Sylvia Luke
Chair of Finance Committee
Hawaii State Capitol, Room 306
Honolulu, HI 96813
Fax #: (808) 586-6200

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Sincerely,

Crystal Nunes

Crystal Nunes



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Sincerely,

Brian Bartilan

Brian Bartilan



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Sincerely,

Evelyn Bocobo

Evelyn Bocobo



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Sincerely,

Conrad Dominio

CONRAD DOMINIO



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February 19, 2014

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Sincerely,
Michael J Cabral

Michael Cabral



"Enhancing Lives Through Self-Reliance"

February 19, 2014

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Sincerely,

William Koa

William Koa



"Enhancing Lives Through Self-Reliance"

February 19, 2014

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Sincerely,

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Erlino Santos



"Enhancing Lives Through Self-Reliance"

February 19, 2014

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Chair of Finance Committee
Hawaii State Capitol, Room 306
Honolulu, HI 96813
Fax #: (808) 586-6200

RE: Committee on Finance Hearing on Friday, February 21, 2014 at 11:00am regarding HB 1588

Dear Chair Luke:

I am writing in support of HB1588. This bill ratifies existing procedures that limit the cost of any single contract between the county and rehabilitation agencies for janitorial and grounds maintenance services.

Since 2008 the county has considered each contract on its own merits for value and allowable costs. This method resulted in employment of more than fifty individuals, with a variety of disabilities. The quality of life resulting from self-sufficiency is unattainable in any other way. It is now proposed that the county add up multiple contracts to determine allowable cost. This change would significantly reduce the employment opportunities for workers with disabilities.

As an employee of Ka Lima O Maui, I have witnessed firsthand the transformation in individual lives due to job skills training. This county should be proud of the accomplishment of integrating so many disabled individuals into the workforce. Changing procedures now to favor another constituency at the expense of the county's most vulnerable workers would be extremely unfortunate.

Reducing employment opportunities for individuals with disabilities will turn productive, service providing taxpayers into consumers of expensive social services. Please don't make this short sighted error.

Sincerely,

Daniel Honma.

J. Walter Cameron Center, 95 Mahalani Street, Suite 19B - Wailuku, Hawaii 96793
Tel: (808) 244-5502 / 244-5503 - Fax: (808) 244-2077
info@kalimaomaui.org



"Enhancing Lives Through Self-Reliance"

February 19, 2014

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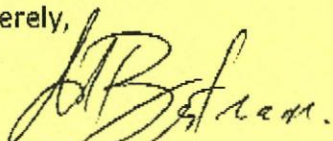
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Sincerely,


Marthamae Bertram.

J. Walker Cameron Center, 95 Mahalani Street, Suite 19B - Wailuku, Hawaii 96793
Tel: (808) 244-5502 / 244-5503 - Fax: (808) 244-2077
info@kalimaomaui.org



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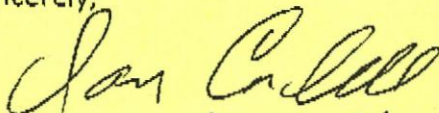
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Sincerely,


Dan Cordell

J. Walter Cameron Center, 95 Mahalani Street, Suite 19B - Wailuku, Hawaii 96793
Tel: (808) 244-5502 / 244-5503 - Fax: (808) 244-2077
info@kalimaomaui.org

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 21, 2014 5:21 AM
To: FINTestimony
Cc: seth@mauicpr.com
Subject: Submitted testimony for HB1588 on Feb 21, 2014 11:00AM



HB1588

Submitted on: 2/21/2014

Testimony for FIN on Feb 21, 2014 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Seth De Leon	Maui CPR & First Aid	Support	No

Comments: Date Chair Sylvia Luke Finance Committee Hawaii State Capitol, Room 306 Honolulu, HI 96813 Re: Committee on Finance Hearing on Friday February 21, 2014 at 11:00am regarding HB 1588. Dear Chair Luke: I am writing in support of HB 1588 that clarifies the language in exemption # 16 of HRS 76-77. The bill amends the exemption from the civil service laws for contracts for personal services, building, custodial, and grounds maintenance services, with qualified community rehabilitation programs at a cost of no more than \$850,000 by specifying that the \$850,000 maximum applies per contract. This effort is a result of a recent interpretation of exemption #16 from the County of Maui Corporation Counsel. Their current interpretation is that the cap of \$850,000 is for all contracts instead of per contract. It is important to note that in 2008 when the cap amount of \$850,000 was put into law, Ka Lima O Maui already had \$1 million in contracts with the County of Maui. All parties involved always intended for the amount of \$850,000 to be interpreted as per contract and not as a total amount. Otherwise, Ka Lima would have been out of compliance from the inception of the law. The future of these contracts is crucial to the mission of our organization; "Enhancing Lives through Self-Reliance" for persons with disabilities through employment related programs. Our grounds and custodial service contracts, that currently total \$1.2 million, employ 50 persons with disabilities. The contracts allow us to deliver services such as assessments, evaluation and training and ultimately employment for a population that is often times overlooked. Employment opportunities provide dignity, self-respect, independence and the chance to become contributing members of our community. Please help us by supporting HB 1588 so we can continue to put paychecks in deserving hands. Thank you for your consideration and support. Sincerely, Robert Seth De Leon Maui CPR & First Aid

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

February 20, 2014

VIA E-MAIL (repluke@capitol.hawaii.gov)
AND FACSIMILE (808-586-6201)

LATE

Chair Sylvia Luke
Committee on Finance
Hawaii State Capitol, Room 308
Honolulu, HI 96813

Re: Committee on Finance Hearing on HB 1588, February 21, 2014, 11:00 a.m.

Dear Chair Luke:

I am writing in support of HB 1588 that clarifies the language in exemption # 16 of HRS 76-77. The bill amends the exemption from the civil service laws for contracts for personal services, building, custodial, and grounds maintenance services, with qualified community rehabilitation programs at a cost of no more than \$850,000 **by specifying that the \$850,000 maximum applies per contract.**

This effort is a result of a recent interpretation of exemption #16 from the County of Maui Corporation Counsel. Their current interpretation is that the cap of \$850,000 is for all contracts instead of per contract. **It is important to note that in 2008 when the cap amount of \$850,000 was put into law, Ka Lima O Maui already had \$1 million in contracts with the County of Maui.** All parties involved always intended for the amount of \$850,000 to be interpreted as per contract and not as a total amount. Otherwise, Ka Lima would have been out of compliance from the inception of the law.

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Please help us by supporting HB 1588 so we can continue to put paychecks in deserving hands. Thank you for your consideration and support.

Sincerely,


DAVID M. JORGENSEN



"Enhancing Lives Through Self-Reliance"
"Enhancing Lives Through Self-Reliance"

February 20, 2014

Chair Sylvia Luke
Finance Committee
Hawaii State Capitol, Room 306
Honolulu, HI 96813

Re: Committee on Finance Hearing on Friday February 21, 2014 at 11:00 am regarding HB 1588.

Dear Chair Luke:

I am writing to provide supplemental testimony in support of HB 1588. We have just received word via the Senate that the Attorney General has issued an opinion supporting the position that the \$850,000 limit is a per-contract limit and not an aggregate limit and that the Attorney General supports passage of HB1588 to bring further clarity to this issue. If necessary, I would be happy to provide a copy of the opinion and in the meantime we appreciate any effort towards moving the bill forward.

Thank you for your attention to this matter.

Sincerely,

Chantal Ratte
Executive Director, Ka Lima O Maui

LATE TESTIMONY

J. Walter Cameron Center, 95 Mahalani Street, Suite 19B - Wailuku, Hawaii 96793

Tel: (808) 244-5502 / 244-5503 - Fax: (808) 244-2077

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Tel: (808) 244-5502 / 244-5503 - Fax: (808) 244-2077

info@kalimaomaui.org

NEIL ABERCROMBIE
GOVERNOR



DAVID M. LOUIE
ATTORNEY GENERAL
RUSSELL A. SUZUKI
FIRST DEPUTY ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
EMPLOYMENT LAW DIVISION
235 SOUTH BERETANIA STREET, 15TH FLOOR
HONOLULU, HAWAII 96813
(808) 587-2900

February 19, 2014

The Honorable Rosalyn H. Baker
Senator, Sixth District
The Twenty-Seventh Legislature
State Capitol, Room 230
Honolulu, Hawaii 96813

The Honorable J. Kalani English
Senator, Seventh District
The Twenty-Seventh Legislature
State Capitol, Room 205
Honolulu, Hawaii 96813

The Honorable Gilbert S.C. Keith-Agaran
Senator, Fifth District
The Twenty-Seventh Legislature
State Capitol, Room 203
Honolulu, Hawaii 96813

Re: Interpretation of HRS §76-77 (16); SB 2744/HB 1588

Dear Senators:

In your letter of February 10, 2014, you asked for clarification regarding whether the \$850,000 limit in section 76-77 (16), Hawaii Revised Statutes is on a per contract basis. We answer in the affirmative. It is the opinion of the Department of the Attorney General that the \$850,000 limit prescribed in the above-referenced statute is a per contract, not aggregate, limit in the exemption from the civil service laws for personal service contracts for building, custodial, and grounds maintenance services with qualified community rehabilitation programs. We have found nothing in the legislative history that contradicts this conclusion and we agree that a plain reading of the statute supports this conclusion.

Because it appears that there is some confusion about the meaning of this provision, we would support the passage of either SB 2744 or HB 1588 to bring further clarity to this issue.

The Honorable Rosalyn H. Baker
The Honorable J. Kalani English
The Honorable Gilbert S.C. Keith-Agaran
February 19, 2014
Page 2

Please do not hesitate to contact the Department of the Attorney General should you need further clarification.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Bosko Petricevic', with a stylized flourish at the end.

Bosko Petricevic
Deputy Attorney General

APPROVED:

A handwritten signature in black ink, appearing to read 'David M. Louie', with a stylized flourish at the end.

DAVID M. LOUIE
Attorney General

Chair Sylvia Luke
Committee on Finance
February 21, 2014, 11:00 a.m
Hawaii State Capitol, Room 308
Honolulu HI 96813

Re: HB 1588

LATE TESTIMONY

Dear Chair Luke:

My name is Megan Jorgensen. I'm a junior in the School of Social Work at the University of Hawaii and I was born and raised on Maui. I'm writing in support of House Bill 1588 that would amend Hawaii Revised Statutes Section 76-77 to confirm that the exemption from the civil service laws contained in subsection 16 of that statute for personal service, custodial, and grounds maintenance contracts between the County of Maui and qualified community rehabilitation programs, such as Ka Lima O Maui, is for a maximum of \$850,000 per contract, and not \$850,000 total for all of their contracts

Ka Lima O Maui's mission is to "Enhance Lives through Self-Reliance" for persons with disabilities through employment related programs. The contracts that Ka Lima O Maui currently has with the County of Maui for ground maintenance and custodial services total \$1.2 million and employ over 50 persons with disabilities. Because of the contracts with the County of Maui and the programs that Ka Lima O Maui runs, disabled persons on Maui who are often overlooked and who wouldn't otherwise be able to work are given assessments, training and employment on Maui. As a result, they can feel proud that they are contributing to the community and they can have self-respect and some level of independence in their lives.

If this amendment to the statute is not made, I understand there is an argument being made that the maximum amount of \$850,000 should be for the total amount of contracts that Ka Lima O Maui has with the County of Maui each year. However, I've been told that the organization already had \$1 million in contracts with the County of Maui when the current law was adopted in 2008 and it would not have made sense for the maximum amount to have been set at a number that made those contracts improper at that time.

Ka Lima O Maui provides a great service to people of Maui and especially to those who are disabled and are most in need. Please help by supporting HB 1588 so the organization can continue to help those people and provide them with a way to earn a paycheck. Thank you for your consideration and support.

Sincerely,



Megan Jorgensen