



HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 ·PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

February 20, 2014
1:00 p.m.
Conference Room 325

To: The Honorable Karl Rhoads, Chair
and Members of the House Committee on Judiciary

From: Linda Hamilton Krieger, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: H.B. No. 1975, H.D.1

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over state laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state-funded services. The HCRC carries out the Hawai‘i constitutional mandate that "no person shall be discriminated against in the exercise of their civil rights because of race, religion, sex or ancestry". Art. I, Sec. 5._

Section 2 of H.B. No. 1975 H.D.1 amends HRS § 846-2.7(b) by adding subsections (37), (38) and (39) to provide express authority for the conduct of criminal history record checks on 1) state and county employees, applicants, volunteers and contractors who require unescorted access to secured areas and equipment related to a traffic management center; 2) county employees and applicants whose positions involve the handling or use of firearms for other than law enforcement purposes; and 3) county

employees and applicants involved in an agency's information technology operations who have access to proprietary, confidential or sensitive information.

Over the years, the City and County of Honolulu has sought authority to conduct criminal history background checks under § 846-2.7(b) for various categories of employees and applicants as well as exemptions from HRS § 378-2.5 for pre-offer background checks. In the past, the HCRC has expressed concerns that this would result in overly broad exceptions to the requirements and limitations imposed on employer inquiries into and consideration of conviction records.

Prior to this 2014 session, the HCRC and City and County of Honolulu Employment and Personnel Services Division staff met to discuss this bill and were able to reach agreement on amendments to the bill that would accomplish the City and County's purposes without eroding the arrest and court record protections by incorporating overly broad exception language into H.R.S. § 378-2.5(d). The HCRC and City and County of Honolulu agreed that only the second group of employees and applicants in subsection (38) (employees and prospective employees whose positions involve the handling or use of firearms for other than law enforcement purposes) should be exempt from the provisions of HRS § 378-2.5. . Section 1 of H.B. No. 1975 H.D.1 has been amended to reflect this agreement with the exemption in HRS § 378-2.5(d)(5) amended to only add employees and prospective employees whose positions involve the handling or use of firearms for other than law enforcement purposes, as listed in the proposed HRS § 846-2.7(b)(38). For these reasons, the HCRC does not oppose H.B. No. 1975, H.D. 1. Thank you for your consideration of the discussion and agreement between the City and County of Honolulu and the HCRC on this bill.

NEIL ABERCROMBIE
GOVERNOR



BARBARA A. KRIEG
DIRECTOR

LEILA A. KAGAWA
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

February 19, 2014

**TESTIMONY TO THE
HOUSE COMMITTEE ON JUDICIARY**

For Hearing on February 20, 2014
1:00 p.m., Conference Room 325

BY

BARBARA A. KRIEG
DIRECTOR

House Bill No. 1975, H.D. 1

**RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR
STATE AND COUNTY EMPLOYEES**

TO CHAIRPERSON KARL RHOADS AND MEMBERS OF THE COMMITTEE:

H.B. 1975, H.D. 1 allows the State and counties to perform criminal history record checks on employees, prospective employees, volunteers, and contractors whose positions allow them access to sensitive information, firearms, and secured areas and on employees, prospective employees, volunteers, and contractors whose positions require them to work with county community-based programs for children.

The Department of Human Resources Development **supports** this measure.

However, we request two amendments to H.B. 1975, H.D. 1. Section 2 amends Section 846-2.7, Hawaii Revised Statutes subsection b, to add new numbers (38) and (39) on pages 12 and 13. We request that the State be included in these amendments, along with the counties, so the requested new language would read:

- (38) The State and the counties on employees and prospective employees whose positions involve the handling or use of firearms for other than law enforcement purposes;

- (39) The State and the counties on current and prospective systems analysts and others involved in an agency's information technology operation whose position responsibilities provide them with access to proprietary, confidential, or sensitive information; and

The State is requesting these changes as we have positions, such as those in the Department of Land and Natural Resources, that handle or use firearms for other than law enforcement purposes. We also would like to include our information technology related positions that have access to confidential, proprietary or sensitive information.

Thank you for the opportunity to testify on this matter.

DEPARTMENT OF HUMAN RESOURCES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET 10TH FLOOR • HONOLULU, HAWAII 96813
TELEPHONE: (808) 768-8500 • FAX: (808) 768-5563 • INTERNET: www.honolulu.gov/hr

KIRK CALDWELL
MAYOR



CAROLEE C. KUBO
DIRECTOR

NOEL T. ONO
ASSISTANT DIRECTOR

February 20, 2014

The Honorable Karl Rhoads, Chair
and Members of the Committee on Judiciary
House of Representatives
State Capitol, Room 325
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members of the Committee:

SUBJECT: House Bill No. 1975, HD 1
Relating to Criminal History Record Checks for State and County Employees

The City & County of Honolulu **strongly supports** House Bill 1975 as amended in HD 1. The purpose of this measure is to provide State and county agencies the ability to access national criminal history record information in addition to state conviction information for the purpose of determining the employment suitability of current and prospective employees whose job duties and responsibilities warrant the additional evaluation.

Technological advances have made it possible for individuals outside of the State to view and apply for jobs in Hawaii and we receive numerous applications from out-of-state and recently relocated candidates. It is our duty to make prudent hiring decisions regarding the suitability of the individuals who are hired for the kinds of jobs that this bill addresses. The proposed measure will give us the ability to efficiently obtain national criminal history record information for our employees and prospective employees in the specified categories of work.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Carolee C. Kubo".

Carolee C. Kubo
Director

cc: Mayor's Office

LATE

POLICE DEPARTMENT

CITY AND COUNTY OF HONOLULU

SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org

KIRK W. CALDWELL
MAYOR



LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE **SN-AS**

February 20, 2014

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
House of Representatives
Hawaii State Capitol, Room 325
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

Subject: House Bill No. 1975, HD 1, Relating to Criminal History Record Checks for State and County Employees

I am Sean C. Naito, Major of the Communications Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 1975, HD 1, Relating to Criminal History Record Checks for State and County Employees. This bill provides State and County agencies the ability to access national criminal information history and state conviction information for employees who will be working in the future Joint Traffic Management Center (JTMC). The clearance is needed to determine the employment suitability of current and prospective employees.

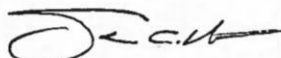
The JTMC is scheduled for completion in 2016. It will be comprised of personnel from the HPD, Department of Transportation Services, Honolulu Fire Department, and the Department of Transportation. Due to the sensitivity of information that will be discussed and accessed during daily operations within the JTMC, we feel that it is in the public's best interest to have personnel who have been subjected to both a national and state criminal history record check.

The HPD urges you to support House Bill No. 1975, HD 1.

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
February 20, 2014
Page 2

Thank you for the opportunity to testify.

Sincerely,



Sean C. Naito, Major
Communications Division

APPROVED:



Louis M. Kealoha
Chief of Police

NEIL ABERCROMBIE
GOVERNOR



LATE TESTIMONY

Testimony of
GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
FORD N. FUCHIGAMI
RANDY GRUNE
AUDREY HIDANO
JADINE URASAKI

IN REPLY REFER TO:

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 20, 2014
1:00 p.m.
State Capitol, Room 325

**H.B. 1975, H.D. 1
RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR STATE AND COUNTY
EMPLOYEES**

House Committee on Judiciary

The Department of Transportation supports House Bill 1975, H.D. 1. However, we request one amendment. Section 2 amends Section 846-2.7, Hawaii Revised Statutes subsection b, to add new number (39) on pages 12 and 13. We request that the State be included in this amendment, along with the counties, so the requested new language would read:

(39) The State and the counties on current and prospective systems analysts and others involved in an agency's information technology operation whose position responsibilities provide them with access to proprietary, confidential, or sensitive information;

The Department of Transportation is requesting these changes as we have information technology related positions that have access to proprietary, confidential, or sensitive information.

Thank you for the opportunity to testify on this matter.