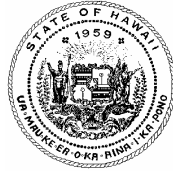


SB2420

SD1

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
SENATE COMMITTEE ON JUDICIARY AND LABOR**

For Hearing on Friday, February 21, 2014
11:30 a.m., Conference Room 016

BY

BARBARA A. KRIEG
DIRECTOR

Senate Bill No. 2420, S.D. 1

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

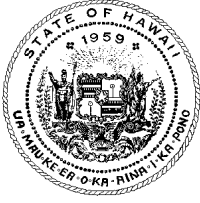
WRITTEN TESTIMONY ONLY

TO CHAIRPERSON CLAYTON HEE AND MEMBERS OF THE COMMITTEE:

S.B. 2420, S.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 **strongly supports** this measure.

Thank you for the opportunity to testify on this matter.



HAWAI‘I CIVIL RIGHTS COMMISSION

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

February 21, 2014
11:30 a.m.
Conference Room 016

To: The Honorable Clayton Hee, Chair
and Members of the Senate Committee on Judiciary and Labor

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

Re: S.B. No. 2420, S.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 S.B. No. 2420, S.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 S.B. No. 2420, S.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 S.B. No. 2420, S.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.

DEPARTMENT OF HUMAN RESOURCES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET 10TH FLOOR • HONOLULU, HAWAII 96813
TELEPHONE: (808) 768-8500 • FAX: (808) 768-5583 • INTERNET: www.honolulu.gov/hr

KIRK CALDWELL
MAYOR



CAROLEE C. KUBO
DIRECTOR

NOEL T. ONO
ASSISTANT DIRECTOR

February 21, 2014

The Honorable Clayton Hee, Chair
and Members of the Committee on Judiciary and Labor
The Senate
State Capitol, Room 016
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Hee and Members of the Committee:

**SUBJECT: Senate Bill No. 2420, SD 1
Relating to Criminal History Record Checks for State and County Employees**

The City & County of Honolulu **strongly supports** Senate Bill 2420 as amended in SD 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 that reads "Carolee C. Kubo".

Carolee C. Kubo
Director

cc: Mayor's Office



Hawaii Rifle Association

State Affiliate of the National Rifle Association

Founded in 1857

February 19, 2014

Testimony on SB2420, SD1

Before JDL, Friday, February 21, 2014, 11:30 am, Rm 016

IN SUPPORT

HRA supports background checks on State and county employees handling or using firearms.

Thank you for the opportunity to testify on behalf of HRA.

Dr. Maxwell Cooper,
HRA Legislative Liaison
macooper.1941@gmail.com
225-6944