

SB 2420

Measure Title: RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR STATE AND COUNTY EMPLOYEES.

Report Title: Criminal History Record Checks; State and County Employees

Description: 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.

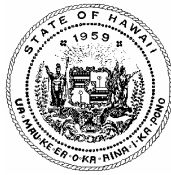
Companion: [HB1975](#)

Package: None

Current Referral: HMS/PSM, JDL

Introducer(s): DELA CRUZ, ESPERO, KIDANI, SOLOMON

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

January 27, 2014

TESTIMONY TO THE
SENATE COMMITTEES ON
PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS
and
HUMAN SERVICES

For Hearing on Tuesday, January 28, 2014
2:45 p.m., Conference Room 224

BY

BARBARA A. KRIEG
DIRECTOR

Senate Bill No. 2420

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

WRITTEN TESTIMONY ONLY

TO CHAIRPERSONS WILL ESPERO AND SUZANNE CHUN OAKLAND AND
MEMBERS OF THE COMMITTEES:

S.B. 2420 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 S.B. 2420. Section 2 amends Section 846-2.7, Hawaii Revised Statutes subsection b, to the new numbers (38) and (39) on

page 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

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
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KIRK CALDWELL
MAYOR



CAROLEE C. KUBO
DIRECTOR

NOEL T. ONO
ASSISTANT DIRECTOR

January 28, 2014

The Honorable Will Espero, Chair
and Members of the Committee
on Public Safety, Intergovernmental and
Military Affairs
The Honorable Suzanne Chun Oakland, Chair
and Members of the Committee
on Human Services
The Senate
State Capitol, Room 231
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Espero and Chun Oakland and Members of the Committees:

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

The City & County of Honolulu **strongly supports** Senate Bill 2420 with a suggested amendment. 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. Specifically, this bill will enable us to obtain criminal history record information for current and prospective employees whose job duties and responsibilities warrant the additional evaluation—such as employees whose positions involve the handling of firearms for other than law enforcement purposes. Housekeeping changes are also included.

The Hawaii Revised Statutes, the Revised Charter of the City and County of Honolulu, and our Civil Service Rules require that our system of personnel administration be based on merit principles. State law defines the merit principle as it pertains to employment and selection, as “the selection of persons based on their fitness and ability for public employment and the retention of employees based on their demonstrated appropriate conduct and productive performance.” Part of the City's process in determining the “fitness” of prospective employees is reviewing whether or not they have a criminal history record, and if they do, determining the relevancy and impact that the conviction(s) would have on their fitness (i.e., suitability) for the job for which they are being considered.

The Honorable Will Espero, Chair
and Members of the Committee
on Public Safety, Intergovernmental and
Military Affairs

The Honorable Suzanne Chun Oakland, Chair
and Members of the Committee
on Human Services

The Senate

January 28, 2014

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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. Applicants are NOT automatically disqualified for having an arrest or court record. Rather, a careful study is done which includes an opportunity for the prospective candidate to provide relevant information or input on the findings.

Since technological advances have made it possible for individuals outside of the State of Hawaii to view and apply for jobs in Hawaii, we have continued to see an increase in the number of out-of-state and recently relocated candidates who apply for civil service jobs in our jurisdiction. Without the proposed changes, we will not have an effective means of reviewing prospective employees' convictions that occurred out-of-state. The proposed legislation 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.

We have met with the Hawaii Civil Rights Commission regarding this measure and are in agreement with them on certain amendments to the measure. Our agencies are in agreement that we will not pursue the addition of State and county employees involved in a traffic management center (item 37) and those involved in the information technology operations (item 39) to the list of employees for whom criminal history records checks are permitted prior to an offer of employment. Accordingly, we request these new sections be deleted.

Thank you for the opportunity to testify.

Sincerely,



Carolee C. Kubo
Director

cc: Mayor's Office

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
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KIRK CALDWELL
MAYOR

LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE **SN-AS**

January 28, 2014

The Honorable Will Espero, Chair
and Members
Committee on Public Safety,
Intergovernmental and Military Affairs
The Honorable Suzanne Chun Oakland, Chair
and Members
Committee on Human Services
State Senate
Hawaii State Capitol, Room 224
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Espero and Chun Oakland and Members:

Subject: Senate Bill No. 2420, 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.

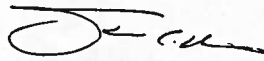
The HPD supports Senate Bill No. 2420, Relating to Criminal History Record Checks for
State and County Employees. This bill provides State and County agencies the ability to access
national criminal information history and state conviction information for employees who will be
working in the future Joint 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, Department of
Emergency Management Services, 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 Honorable Will Espero, Chair
and Members
Committee on Public Safety,
Intergovernmental and Military Affairs
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and Members
Committee on Human Services
January 28, 2014
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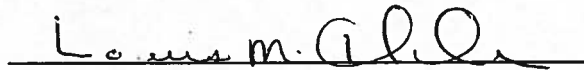
Thank you for the opportunity to testify.

Sincerely,



Sean C. Naito, Major
Communications Division

APPROVED:



Louis M. Kealoha
Chief of Police