



## HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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The Twenty-Seventh Legislature, State of Hawaii  
Hawaii State Senate  
Committee on Ways and Means

Testimony by  
Hawaii Government Employees Association  
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### S.B. 2885 – RELATING TO CORRECTIONAL HEALTH CARE

The Hawaii Government Employees Association opposes S.B. 2885. We cannot support the exemption of the Mental Health Branch Administrator and Section Administrators within the Department of Public Safety (PSD) from Chapter 76, HRS. The HGEA is very concerned about the number of exempt positions within the Executive Branch of state government. The exemption of positions from civil service has become too prevalent and is inconsistent with purpose and intent of Article XVI of the Hawaii State Constitution and Section 76-1 HRS. Branch and section chiefs are usually part of the civil service system.

The problems and challenges created by exempt positions are that while most are included in HGEA bargaining units, and the union collects dues from them, they are not protected under the discipline and reduction-in-force article for bargaining units 3, 4 and 13. They are also ineligible for step movements. Exempt employees in Unit 13 are also precluded from earning overtime. Many exempt employees have been employed by the State of Hawaii for years and provide valuable service to their respective departments, yet they are not treated fairly by the employer.

Despite the challenges faced by PSD in treating mentally ill inmates, we believe these positions should be filled within the civil service system. If there are problems with the state civil service system, those should be corrected before we automatically default to creating more exempt employees, which are considered by the Department Human Resources Development to be “at will”. Employees who are “at will” make it less likely that they will exercise independent judgment, especially to offer critical opinions, out of fear of being fired. There is also no evidence that “at will” employment increases productivity or job performance.

The state’s civil service system needs significant reform so that it can preserve the merit principle while at the same time being flexible and responsive enough to meet the demands of departments like PSD and offer competitive salaries. In other words, the civil service system must be adaptable to change, including changes in the state’s demographics, the organization of work, and the conceptions of work and career on the part of employees. We appreciate the opportunity to testify in opposition to S.B. 2885.

Respectfully submitted,

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Executive Director