



TO: Senator David Ige, Chair
Senator Michelle N. Kidani, Vice Chair
Senate Committee on Ways and Means

FROM: Sara L. Collins, Ph.D., Legislative Chair
Society for Hawaiian Archaeology
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HEARING: February 25, 2014, 9:15 AM, Conference Room 211
SUBJECT: Testimony in Support of SB 3099, SD1 (Relating to Public Employment)

I am Dr. Sara Collins, Chair of the Legislative Committee of the Society for Hawaiian Archaeology (SHA). We have over 150 members that include professional archaeologists and advocates of historic preservation in general. On behalf of SHA, I am providing testimony in strong support of SB 3099, SD 1 Relating to Public Employment.

SB 3099, SD1 amends sections of the Hawaii Revised Statutes (HRS) in order to conform with Act 253, Session Laws of Hawaii 2000, which placed restrictions on the creation of civil service exempt positions and required an annual review of exempt positions in order to determine whether they should remain exempt or be converted to civil service positions. Among the positions that are still exempt from civil service are those held by qualified historic preservation professionals at the State Historic Preservation Division (SHPD). The amendment proposed to HRS 6E-3(14) would require this conversion process to occur.

We strongly support SB 3099, SD1 and the overdue conversion of exempt professional positions at SHPD for the following reasons:

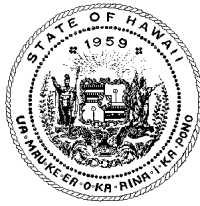
- Promotion of stability among staff and fostering the retention of “institutional memory” in government agencies – something that can be critical to an agency’s ability to function over the years as normal levels of staff turnover occur, due to retirements and the like.
- Greater fiscal responsibility and improved future planning: Conversion of the current exempt positions – particularly exempt positions that have existed for decades – will result in greater fiscal responsibility and better planning for future departmental and governmental needs. With conversion to civil service, the costs for these positions would be more predicable because salaries ranges assigned to the civil service classes would be consistent with that of other state workers and therefore easier to budget.
- Protection of regulatory workers from inappropriate pressure and treatment: At SHPD, regulatory staff hold the majority of exempt positions, and much of their work includes the regulation of compliance with historic preservation laws in the state. Exempt status makes these individuals very vulnerable to inappropriate pressure during regulatory decision-making, from both inside and outside state government. Since an exempt employee can be fired “at will” it is sometimes difficult for them to express a professional opinion contrary to the wishes of a manager or a powerful member of the public without fear of adverse consequences.
- Establishment of appropriate position descriptions to be filled by qualified personnel: Regulators within the SHPD must meet professional standards set by the National Park Service for historic preservation professionals; specific disciplines include architecture, architectural history, history, and archaeology. The exempt status of these positions has

or could be used to make inappropriate and unwarranted changes to position descriptions when filling vacancies. This can result in the selection of individuals who are hired at salaries that may not be commensurate with their qualifications and experience. Converting the exempt positions to civil service status would ensure that solid, professionally adequate position descriptions are developed and adhered to in hiring, performance, and evaluation, and that qualified individuals are selected to fill them at appropriate compensation levels.

Historically, SHPD has had difficulty hiring and retaining qualified personnel to fill professional-level positions. We believe that granting civil service status to these employees would make these positions more attractive to prospective applicants.

An established process exists for converting exempt positions to civil service. It is high time that these conversions got underway for staff at SHPD. SHA has testified on bills similar to this for over seven years and, over this period, the need for this step has only grown more compelling.

We respectfully ask that the effective date be changed to July 1, 2014 and pass SB 3099, SD1. Thank you for considering our comments. Should you have any questions, please feel free to contact me at the above email address.



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TESTIMONY ON SENATE BILL (SB) 3099 SENATE DRAFT (SD) 1
RELATING TO PUBLIC EMPLOYMENT

by
Ted Sakai, Director
Department of Public Safety

**LATE
TESTIMONY**

SENATE COMMITTEE ON WAYS AND MEANS
Senator David Y. Ige, Chair
Senator Michelle N. Kidani, Vice Chair

Thursday, February 25, 2014, 9:15 AM
State Capitol, Conference Room 211

Chair Ige and Vice Chair Kidani, and Members of the Committee:

The Department of Public Safety (PSD) **supports the intent** of SB 3099 SD 1 which will reduce the number of civil service exempt positions and place restrictions on the creation of exempt positions.

However, SB 3099 SD 1 will impose undue restrictions and hamper PSD's ability to operate efficiently and effectively for programs that are not general funded.

Establishing positions exempt from civil service allows PSD to create positions to fulfill the program or funding requirements, such as Correctional Industries Division and the Crime Victim Compensation Commission.

These exempt positions allows PSD to establish positions based on the funding source and meeting program requirements. The Correctional Industries operate as a self-sustaining private business, whereby revenue generated, funds such exempt positions. The Crime Victim Compensation Commission funds their

establish exempt positions through court sentenced fines through the Victim Compensation Fees.

PSD must be able to have the latitude to establish and utilize exempt positions to conduct its affairs, and to successfully accomplish its mission and meet the service needs of those we serve.

Thank you for the opportunity to testify on this matter.