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# A BILL FOR AN ACT

RELATING TO SERVICES PERFORMED BY CIVIL SERVICE EMPLOYEES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that in 1997, the Hawaii  
2 supreme court held in *Konno v. Hawaii County*, 937 P.2d 397  
3 (1997), that Hawaii county violated civil service laws and merit  
4 principles when it hired private contractors to perform landfill  
5 operations work. The court held that state civil service laws  
6 allowed only civil service employees to perform work  
7 historically and customarily done by civil service employees.

8           In response to the *Konno* ruling, legislation ensued,  
9 including authorizing and later repealing the authority of the  
10 State to contract for services historically and customarily  
11 performed by civil service employees if equivalent or better  
12 services could be provided at lower cost. Litigation also  
13 followed, and the United Public Workers filed class grievances  
14 and lawsuits arguing that the State and counties should cease  
15 the practice of contracting for services historically and  
16 customarily performed by civil service employees. Over time,  
17 the counties reached settlements with the United Public Workers  
18 and through court-ordered mediation, the United Public Workers



1 and the State's executive branch reached an agreement relating  
2 to services historically and customarily performed by civil  
3 service employees as it relates to the United Public Workers.  
4 The agreement reflects the State's commitment to comply with the  
5 *Konno* ruling while concurrently recognizing the State's duty to  
6 efficiently provide services to the public.

7 The purpose of this Act is to authorize and fund civil  
8 service positions to support state agency operations as part of  
9 a mediated process to address the *Konno*-based objections of the  
10 United Public Workers.

11 SECTION 2. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$224,520 or so much  
13 thereof as may be necessary for fiscal year 2016-2017 to the  
14 department of public safety for:

- 15 (1) One plumber II position and one electrician II  
16 position for a multi-skilled worker team to provide  
17 services at the correctional facilities on Oahu; and  
18 (2) One plumber II position and one electrician II  
19 position for a multi-skilled worker team to provide  
20 services at the correctional facilities on Hawaii  
21 island.



1 The sum appropriated shall be expended by the department of  
2 public safety for the purposes of this Act.

3 SECTION 3. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$1,287,016 or so much  
5 thereof as may be necessary for the fiscal year 2016-2017 to the  
6 department of land and natural resources for:

7 (1) Two tree trimmer positions, two tree trimmer-truck  
8 driver positions, one plumber position, two general  
9 laborer positions, and one building maintenance worker  
10 II position (plus equipment) for a multi-skilled  
11 worker team to provide services at the various parks  
12 on Kauai (division of state parks); and

13 (2) Four general laborer positions and one building  
14 maintenance worker II position (plus equipment) for a  
15 multi-skilled worker team to provide services at the  
16 various harbors on Oahu (division of boating and ocean  
17 recreation).

18 The sum appropriated shall be expended by the department of  
19 land and natural resources for the purposes of this Act.

20 SECTION 4. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$678,480 or so much



1 thereof as may be necessary for fiscal year 2016-2017 to the  
2 department of defense for one building maintenance worker I  
3 position, two equipment operator positions, four general laborer  
4 II positions, and one general laborer supervisor I position  
5 (plus equipment) for a multi-skilled worker team to provide  
6 services at the Hawaii state veteran's cemetery.

7 The sum appropriated shall be expended by the department of  
8 defense for the purposes of this Act.

9 SECTION 5. There is appropriated out of the general  
10 revenues of the State of Hawaii the sum of \$972,866 or so much  
11 thereof as may be necessary for fiscal year 2016-2017 to the  
12 department of accounting and general services for:

- 13 (1) One building and grounds custodian II position or  
14 janitor II position (plus equipment and supplies) to  
15 provide services at various facilities on Maui; and  
16 (2) Two refuse collector positions and two heavy truck  
17 driver positions (plus refuse trucks and other  
18 equipment) to provide services at various locations on  
19 Oahu.

20 The sum appropriated shall be expended by the department of  
21 accounting and general services for the purposes of this Act.



1 SECTION 6. This Act shall take effect on January 7, 2059.

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**Report Title:**

Civil Service; Positions; Appropriation

**Description:**

Appropriates funds to DPS, DLNR, DOD, and DAGS to establish civil service positions to provide services to the public using civil service employees. Effective January 7, 2059. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

