

Honolulu, Hawaii

MAR 24 2016

RE: H.B. No. 2008  
H.D. 2  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committees on Judiciary and Labor and Government Operations, to which was referred H.B. No. 2008, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT,"

beg leave to report as follows:

The purpose and intent of this measure is to prohibit the State from hiring any person for more than two terms of eighty-nine consecutive days during that person's lifetime in a position that is wholly funded by general funds, with limited exceptions.

Your Committees received testimony in support of this measure from the Department of Budget and Finance and Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO. Your Committees received testimony in opposition to this measure from the Department of Accounting and General Services; Department of Agriculture; Department of Business, Economic Development, and Tourism; Department of Education; Department of Health; Department of Hawaiian Home Lands; Department of Land and Natural Resources; Office of Enterprise Technology Services; Department of Public Safety; Hawaii State Ethics Commission; Hawaii Health Systems Corporation; Department of the Attorney General; and one individual. Your Committees received comments on this measure from the Department of Human Resources Development and University of Hawai'i System.

Your Committees find that state departments often use eighty-nine day term hires to fill positions and that several state




departments have extended the terms of eighty-nine day term hires multiple times. As a result, these employees are denied collective bargaining rights and benefits. Implementation of this measure will provide better assurance that employees of the State receive the appropriate benefits.

Your Committees have amended this measure by:

- (1) Specifying that the State is prohibited from temporarily hiring or contracting the services of any person pursuant to section 76-77(8), Hawaii Revised Statutes, for more than an unspecified number of terms of ninety consecutive days, rather than two eighty-nine consecutive day terms;
- (2) Deleting language restricting the limit to the lifetime of the person;
- (3) Deleting the exemption to the limit of ninety-day consecutive terms for bona fide employees held over after retirement for training purposes with a training plan that is filed with the Department of Human Resources Development; and
- (4) Inserting an effective date of January 7, 2059.

As affirmed by the records of votes of the members of your Committees on Judiciary and Labor and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2008, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2008, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committees on Judiciary and  
Labor and Government  
Operations,

  
DONNA MERCADO KIM, Chair

  
GILBERT S.C. KEITH-AGARAN, Chair





The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Government Operations**  
**GVO**

Bill / Resolution No.:* <i>HB 2008, HD2</i>	Committee Referral: <i>JDL/GVO, WAM</i>	Date: <i>03-17-16</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KIM, Donna Mercado (C)	✓			
IHARA, Jr., Les (VC)	✓			
DELA CRUZ, Donovan M.				✓
KEITH-AGARAN, Gilbert S.C.	✓			
SHIMABUKURO, Maile S.L.		✓		
TOKUDA, Jill N.				✓
SLOM, Sam				✓
<b>TOTAL</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>3</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>[Signature]</i>				
<b>Distribution:</b> Original             Yellow             Pick             Goldenrod File with Committee Report             Clerk's Office             Drafting Agency             Committee File Copy				

\*Only one measure per Record of Votes