

Honolulu, Hawaii

FEB 04 2015

RE: S.B. No. 139  
S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 139 entitled:

"A BILL FOR AN ACT RELATING TO CIVIL SERVICE EXEMPTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require each director of a central personnel agency for a jurisdiction to review positions exempt from the requirements of chapter 76, Hawaii Revised Statutes, between June 30, 2002, and July 1, 2014, to determine whether the position should remain exempt;
- (2) Remove the requirement that a person holding an exempt position for at least one year prior to that position being replaced by a civil service position be appointed to that civil service position after meeting certain qualifications; and
- (3) Require that the Director of Human Resources Development submit to the Legislature a report of findings based on the review of exempt positions required by section 76-16(g), Hawaii Revised Statutes.

Your Committee received comments on this measure from the Office of the Auditor and Department of Human Resources Development.



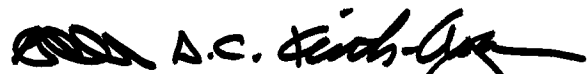
Your Committee finds that although the civil service system is intended to implement a fair system of selection for public employees, state law has also accommodated thousands of civil service exemptions. This measure is part of a continuing effort by the State to curb the use of exempt positions and better utilize the civil service system.

Your Committee has amended this measure, consistent with the commentary from the Department of Human Resources Development, by:

- (1) Extending the deadline for the Director of Human Resources Development to file the report to the Legislature to twenty days prior to the 2017 Regular Session;
- (2) Extending the repeal date of the required conversion of certain exempt positions to civil service appointments to July 1, 2017, to provide an additional year to assess the impact of the amendment to section 76-16, Hawaii Revised Statutes; and
- (3) Inserting an effective date of January 7, 2059 to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 139, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 139, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,




GILBERT S.C. KEITH-AGARAN,  
Chair



The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 139	JDL, WAM	1/29/15		
<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
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
ESPERO, Will	✓			
GABBARD, Mike				✓
IHARA, Jr., Les				✓
THIELEN, Laura H.	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	5			2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
<b>Distribution:</b>				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes