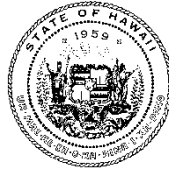


DAVID Y. IGE
GOVERNOR



DOUGLAS MURDOCK
Comptroller

AUDREY HIDANO
Deputy Comptroller

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

P.O. BOX 119, HONOLULU, HAWAII 96810-0119

WRITTEN TESTIMONY
OF
DOUGLAS MURDOCK, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
SENATE COMMITTEES
ON
JUDICIARY AND LABOR
AND
GOVERNMENT OPERATIONS
ON
MARCH 17, 2016
H.B. 2008, HD2

RELATING TO PUBLIC EMPLOYMENT.

Chair Keith-Agaran, Chair Mercado Kim and members of the Committees, thank you for the opportunity to submit written testimony on H.B. 2008, HD2. The Department of Accounting and General Services does not support H.B. 2008, HD2.

The Department of Accounting and General Services strongly opposes this bill because it takes away an important stopgap mechanism to provide human resources to keep operations running during the temporary vacancy of essential positions. Currently 89-day appointments allow our department to immediately fill temporary vacancies in support of critical functions which impact safety and health e.g., disperse funds for payroll and public assistance, custodial and grounds maintenance, repair and maintenance of public buildings, and procurement of goods. Positions performing these services are all wholly funded by general funds. Historically, the civil service vacancies that require open competitive recruitment take longer than 89 days.

Therefore, it is not uncommon for our department to use more than one 89-day appointment before a critical vacancy can be filled.

Managed responsibly, 89-day hires can save the government money. This is particularly true in highly specialized positions such as accounting and payroll. The current framework allows us to hire experienced personnel, some who have previously worked for or even retired from the department to fill temporary vacancies awaiting a permanent fill or extended absences such as medical leave.

The proposal to restrict 89-day appointments for a person's lifetime would unnecessarily restrict the pool of applicants to those who do not have experience in the department. This would result in the department hiring, providing orientation, and training a new person nearly every time an 89-day appointment is required. In cases when a key position is vacant for more than 89 days, this bill would require the department to disrupt operations to repeat this process before a vacancy could be filled, restricting the department's ability to continue operations until a selection to fill the position is made from open recruitment.

This restriction will also limit the pool of qualified applicants willing to accept temporary appointments and those who possess specialized, unique, and technical knowledge and skills including retirees and those previously hired and trained.

This measure will not achieve the desired effect of saving the government money, and will have a detrimental impact on operations and create public health and safety issues.

Thank you for the opportunity to submit written testimony on this matter.

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

**TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEES ON JUDICIARY AND LABOR
AND GOVERNMENT OPERATIONS**

March 17, 2016
1:30 P.M.
CONFERENCE ROOM 414

**HOUSE BILL NO. 2008 HD2
RELATING TO PUBLIC EMPLOYMENT**

Chairpersons Keith-Agaran and Kim and Members of the Committees:

Thank you for the opportunity to testify on House Bill No. 2008 HD2. This bill limits temporary hire of any person for more than two terms of eighty-nine consecutive days or less for a position that is wholly funded by general funds during that person's lifetime. The Department of Agriculture respectfully opposes this bill.

The Department has concerns that this bill will restrict our ability to provide continuity of operations and critical services while we actively work to fill our vacant positions. The Department recognizes and appreciates that 89-day Non-Civil Service appointments serve as expeditious staffing solutions to fulfill relatively short-term operational needs. We use this 89-day Non-Civil Service Appointment option for this purpose. As such, this bill proposes to impose restrictions that will severely limit the Department's flexibility to use temporary hires for interim, knowledge transfer, internship and temporary services that may be required for more than two 89-day terms.

The proposal to restrict the number of 89-day terms will further limit the applicant pools comprised of qualified candidates available and willing to accept provisional employment with very few benefits.

We believe that statutorily limiting the number of 89-day appointments for an individuals' lifetime will minimize the effectiveness and efficiency of this immediate, short-term staffing solution and hinder the Department's ability to restore adequate levels of service when vacancies exist.

Thank you for the opportunity to submit our testimony.





**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

DAVID Y. IGE
GOVERNOR

LUIS P. SALAVERIA
DIRECTOR

MARY ALICE EVANS
DEPUTY DIRECTOR

No. 1 Capitol District Building, 250 South Hotel Street, 5th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804
Web site: www.hawaii.gov/dbedt

Telephone: (808) 586-2355
Fax: (808) 586-2377

Written Statement of
LUIS P. SALAVERIA
Director
Department of Business, Economic Development, and Tourism
before the
**SENATE COMMITTEES ON JUDICIARY AND LABOR
AND
GOVERNMENT OPERATIONS**

March 17, 2016
1:30 p.m.
State Capitol, Conference Room 414

in consideration of
HB 2008, HD2
RELATING TO PUBLIC EMPLOYMENT.

Chairs Keith-Agaran and Kim, Vice Chairs Shimabukuro and Ihara, and Members of the Committees.

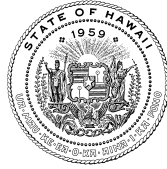
The Department of Business, Economic Development, and Tourism (DBEDT) **opposes** HB 2008, HD2, which prohibits the State from hiring persons for more than two 89-day terms per lifetime of a person.

DBEDT strongly opposes this bill because it would leave the employees in a work unit having to try to fill the gap left when an 89-day hire completes their second term while the process of recruitment to fill a permanent civil service position continues. This is unfair to the remaining employees and the public who will find government slower in meeting their needs. When government is unresponsive to the public, the public loses their trust in government, and once lost, it is very hard to regain that trust.

DBEDT currently has a total of five 89-day hires.

DBEDT respectfully defers to the Department of Human Resource Development for the impact of this measure on the ability of the State as a whole to deliver critical services on a timely basis.

DAVID Y. IGE
GOVERNOR



WESLEY K. MACHIDA
DIRECTOR

RODERICK K. BECKER
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

TESTIMONY BY WESLEY K. MACHIDA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEES ON JUDICIARY AND LABOR
AND GOVERNMENT OPERATIONS
ON
HOUSE BILL NO. 2008, H.D. 2

March 17, 2016
1:30 p.m.

RELATING TO PUBLIC EMPLOYMENT

House Bill No. 2008, H.D. 2, prohibits the State from hiring persons for more than two 89-day terms for a fully general-funded position per lifetime of the person (with limited exceptions).

The Department of Budget and Finance supports the general intent of the measure since the Employees' Retirement System (ERS) does not receive pension contributions for 89-day term employees. It is estimated that the ERS loses out on between \$3-4 million per year in contributions based on the three hundred (300) 89-day term employees hired instead of permanent or temporary employees.

It should be noted that limiting the number of 89-day term appointments will directly impact the operations of various departments and we defer to the Department of Human Resources Development and other departments/agencies for details on their operational concerns with this measure.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 03/17/2016

Time: 01:30 PM

Location: 414

Committee: Senate Judiciary and Labor

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: HB 2008, HD2 RELATING TO PUBLIC EMPLOYMENT.

Purpose of Bill: Prohibits the State from hiring persons for more than two 89-day terms in a fully general-funded position per lifetime of the person. Provides for limited exceptions. (HB2008 HD2)

Department's Position:

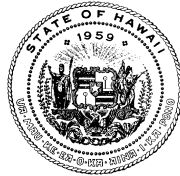
The Department of Education ("Department") respectfully opposes HB 2008, HD 2, as we believe it will have unintended but certainly harmful impact on school operations and student supports.

The Department hires employees under 89-day appointments only to the extent needed to maintain a high-quality learning environment for our students. Under some circumstances, however, employees are needed for multiple 89-day periods. Examples of such circumstances are the need to backfill a position when an employee is on long-term leave for medical or other approved reasons, or a position is in active recruitment but in a "hard to fill" class of work or geographic location.

Some classes of work for which an 89-day hire may be needed are Educational Assistants, Behavioral Health Specialists, Speech Pathologists, School Psychologists, and others who are needed to ensure that the academic, physical, emotional, psychological, and behavioral needs for regular and special education students are met.

The Department has internal controls to monitor 89-day appointments and only a small percentage of positions are filled by "repeat 89-day hires". However, these repeated appointments are necessary to ensure the delivery of critical services.

The Department respectfully requests the bill be held. However, should HB 2008, HD 2 advance, the Department respectfully requests that 89-day hire appointments for the Department's school-level positions and positions related to the delivery of special education services be exempted.



**STATE OF HAWAII
DEPARTMENT OF HEALTH**

P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony OPPOSING HB2008, H.D. 2
Relating to Public Employment**

SENATOR GILBERT S. C. KEITH-AGARAN, CHAIR
SENATE COMMITTEE ON JUDICIARY

SENATOR DONNA MERCADO KIM, CHAIR
SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Hearing Date: March 17, 2016, 1:30 p.m. Room Number: 414

1 **Fiscal Implications:** Undetermined at this time.

2 **Department Testimony:** The Department of Health (DOH) opposes this measure. The purpose
3 of this bill is to prohibit the State from hiring persons for more than two 89-day terms for a fully
4 or partially general-funded position per lifetime of the person with limited exceptions.

5 The DOH utilizes 89-day appointments to provide programs with adequate staffing when
6 there is an immediate need to fulfill operational needs on a short term basis. During the period
7 of the 89-day appointment, the DOH is actively attempting to fill the position on a longer term
8 basis. We acknowledge the concern that at times an individual is appointed beyond the initial 89
9 days and appointed to subsequent 89-day terms. However, these individuals possess skills that
10 enable them to perform the duties that are characteristic of the position to meet immediate
11 staffing needs. All 89-day appointees must meet public employment requirements and the
12 required licensing certification or registration if applicable.

1 The Hawaii State Hospital (HSH) has a Memorandum of Understanding which allows for
2 the provision of a full time investigator from the Attorney General’s Office. This investigator is
3 employed as an 89-day hire. The investigator is responsible for the timely completion of
4 abuse/neglect, administrative, and criminal investigations at the HSH. It is imperative that all
5 investigations be thorough and timely to assure appropriate actions are identified and addressed
6 so patients and staff are protected and therefore elimination of the 89-day hire may jeopardize
7 the Department of the Attorney General’s implementation of the investigations.

8 The DOH will work with the Department of Human Resources Development (DHRD) to
9 streamline the recruitment process so that positions are filled in an expeditious manner while
10 adhering to DHRD’s P&P 300.001.

11 Thank you for the opportunity to testify.

12 **Offered Amendments:** None.

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII



JOBIE M. K. MASAGATANI
CHAIRMAN
HAWAIIAN HOMES COMMISSION

SHAN S. TSUTSUI
LT. GOVERNOR
STATE OF HAWAII

WILLIAM J. AILA, JR.
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879
HONOLULU, HAWAII 96805

**TESTIMONY OF JOBIE M. K. MASAGATANI, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE SENATE JOINT COMMITTEES ON JUDICIARY AND LABOR, AND
GOVERNMENTAL OPERATIONS**

IN OPPOSITION TO

HB 2008 HD 2, RELATING TO PUBLIC EMPLOYMENT

March 17, 2016

Aloha Chairs Keith-Agaran, Kim, and Members of the Committee:

Thank you for the opportunity to submit testimony regarding HB 2008 HD 2. The Department of Hawaiian Home Lands (DHHL) respectfully opposes the proposed measure, which would eliminate the ability of State agencies to hire 89-day temporary employees for more than one term.

The ability to hire, and re-hire, 89-day employees for more than one term often fulfills a critical need within the State. The 89-day hire can be essential when departments find it challenging to find qualified candidates to fill the civil service positions. In times like these when the labor market is tight, 89-day hires are an important tool for agencies. While discussion of certain limitations or criteria may be useful, a complete ban is neither necessary nor desirable.

Thank you, again, for the opportunity to submit testimony regarding HB 2008 HD2.

DAVID Y. IGE
GOVERNOR



JAMES K. NISHIMOTO
DIRECTOR

CINDY S. INOUE
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

March 15, 2016

TESTIMONY TO THE
SENATE COMMITTEE ON JUDICIARY AND LABOR AND
SENATE COMMITTEE ON GOVERNMENT OPERATIONS

For Hearing on Thursday, March 17, 2016
1:30 p.m., Conference Room 414

BY
JAMES K. NISHIMOTO
DIRECTOR

House Bill No. 2008, HD 2
Relating to Public Employment

TO: CHAIRPERSONS KEITH-AGARAN AND MERCADO KIM, VICE
CHAIRPERSONS SIMABUKURO AND IHARA AND MEMBERS OF THE
COMMITTEES:

H.B. 2008, HD2 prohibits the State from hiring persons for more than two 89-day terms in a fully general-funded position per lifetime of the person (with limited exceptions).

The Department of Human Resources Development (DHRD) **HAS CONCERNS** regarding this measure because it may impede the ability of many departments to provide critical services to the public. The use of 89-day appointments allows departments to provide services to the public pending the filling of an authorized position on a permanent basis. The ability to use 89-day hires is a “bridge” that enables departments to provide services while recruiting to fill positions on a permanent basis.

DHRD also notes that one of the limited exceptions contained in HB 2008, HD2 is 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.” The purpose of this exception is unclear in that it may conflict with Act 179, SLH 2010, which provides that a department cannot have an agreement between the department and a retiree prior to his/her retirement. **Retirees must not be employed with the State or a county during the six calendar months prior to the first day of re-employment without having to re-enroll in the Employees Retirement System.**

Thank you for the opportunity to offer comments on this measure.

DAVID Y. IGE
GOVERNOR OF
HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committees on
JUDICIARY AND LABOR
and
GOVERNMENT OPERATIONS

Thursday, March 17, 2016
1:30 PM
State Capitol, Conference Room 414

In consideration of
HOUSE BILL 2008, HOUSE DRAFT 2
RELATING TO PUBLIC EMPLOYMENT

House Bill 2008, House Draft 2 proposes to prohibit the State from hiring persons for more than two (2) eighty-nine (89) day terms for a fully general-funded position per lifetime of the person. **The Department of Land and Natural Resources (Department) respectfully opposes this measure.**

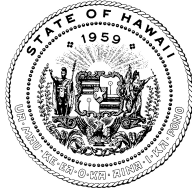
This prohibition will cripple the Department's ability to continue operations to plan, direct and provide services to manage and administer the public lands of the State, and the water resources and minerals thereon; to manage and administer the forest, fish and game resources of the State; and to manage the forest reserve and state parks, including historic sites.

It is critical that the Department be able to fill vacant positions that are in the recruitment process with persons on 89-day terms to continue fulfilling its critical responsibilities until a permanent employee is hired to fill the vacancy. Often, it may take longer than eighty-nine (89) days to complete the recruitment process. Eighty-nine (89) day hires are a viable alternative as the employee is able to fulfill the minimum functions of the position until a permanent employee is hired to fill the vacancy. Utilizing the eighty-nine (89) day hire practice has proven to be a successful recruitment tool for the Department.

It would be detrimental to limit the number of 89-day terms to only two (2) terms.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR



TODD NACAPUY
CHIEF INFORMATION
OFFICER

OFFICE OF ENTERPRISE TECHNOLOGY SERVICES

P.O. BOX 119, HONOLULU, HI 96810-0119
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INFORMATION AND COMMUNICATION
SERVICES DIVISION

OFFICE OF INFORMATION MANAGEMENT
AND TECHNOLOGY

Testimony of
TODD NACAPUY
Chief Information Officer, State of Hawai'i

Before the

SENATE COMMITTEES ON JUDICIARY AND LABOR
AND GOVERNMENT OPERATIONS
Thursday, March 17, 2016; 1:30 p.m.
State Capitol, Conference Room 414

HOUSE BILL NO. 2008, H.D. 2
RELATING TO PUBLIC EMPLOYMENT

Chairs Keith-Agaran and Mercado Kim, Vice Chairs Shimabukuro and Ihara, and Committee Members:

My name is Todd Nacapuy, Chief Information Officer (CIO) of the State of Hawai'i, submitting testimony **opposing** House Bill No. 2008, H.D. 2, Relating to Public Employment, which proposes to amend H.R.S. Chapter 78, Public Service, with a new section that prohibits the State from hiring persons for more than two 89-day terms in a fully general-funded position per lifetime of the person, subject to limited conditions.

We have significant concerns that the passage of H.B. No. 2008, H.D. 2, will hamper the Office of Enterprise Technology Services' (ETS) ability to continue providing essential services to the many departments we support. Since information technology positions are among the most difficult to fill, often undergoing lengthy and repeatedly unsuccessful recruitment attempts in a highly competitive profession, ETS uses 89-day hires to minimize operational disruptions, and to start development of new programs without usual delays associated with waiting for qualified staff. While ETS is working with the Department of Human Resources Development to resolve some IT staff recruitment challenges, ETS requires the continuing flexibility to use 89-day hires, as needed for short and longer terms. Our recent experience of extensively relying on consultants to provide necessary skill sets on a short-term basis has proven to be costly and ineffective.

Further, as much of our specialized IT work force is retirement eligible, we face the real possibility of rapidly losing critical institutional and job-specific knowledge in large numbers in the near future. Without the option to judiciously backfill these key, difficult-to-fill positions with experienced 89-day hires while actively searching for qualified permanent staff, many key state computer systems and projects that directly support health, public safety, emergency management, and law enforcement programs would be negatively affected.

Thank you for the opportunity to provide testimony.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

NOLAN P. ESPINDA
DIRECTOR

Cathy Ross
Deputy Director
Administration

Jodie F. Maesaka-Hirata
Deputy Director
Corrections

Shawn H. Tsuha
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL 2008, HOUSE DRAFT 2
RELATING TO PUBLIC EMPLOYMENT

By
Nolan P. Espinda, Director

Senate Committee on Judiciary and Labor
Senator Gilbert S.C. Keith-Agaran, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

Senate Committee on Government Operations
Senator Donna Mercado Kim, Chair
Senator Les Ihara, Jr., Vice Chair

Thursday, March 17, 2016; 1:30 p.m.
State Capitol, Room 414

Chairs Keith-Agaran and Kim, Vice Chairs Shimabukuro and Ihara, and Members of the Committees:

The Department of Public Safety (PSD) **opposes** House Bill (HB) 2008, House Draft (HD) 2, which would limit the temporary hire to two terms of eighty-nine consecutive days or less for one person during his/her lifetime for a position that is funded in whole by general funds.

HB 2008, HD 2 will impose undue restrictions and hamper PSD's ability to operate effectively. The temporary hires have provided continued support to essential programs, especially with hard-to-fill jail and prison staff positions (e.g., Social Workers/Human Services Professionals, Medical, Food Services, Adult Corrections Officers, and other support staff within a correctional facility) until they are able to be filled permanently. Additionally, temporary hires for Deputy Sheriffs help ensure the Department's ability to protect and serve our community. Our uniform positions, from the time of recruitment to the placement at the work site, take approximately eight months for the Adult Corrections Officer Recruits and approximately sixteen months for the Deputy Sheriffs.

Limiting the temporary hires to two terms of eighty-nine consecutive days will clearly provide insufficient time to fill these essential positions permanently. I cannot overstate the harm to PSD programs and operations and therefore, the community, that would ensue if this measure were to be passed.

Thank you for the opportunity to present this testimony.



HAWAII STATE ETHICS COMMISSION

State of Hawaii • Bishop Square, 1001 Bishop Street, ASB Tower 970 • Honolulu, Hawaii 96813

SENATE COMMITTEE ON JUDICIARY AND LABOR

The Honorable Gilbert S.C. Keith-Agaran, Chair
The Honorable Maile S.L. Shimabukuro, Vice Chair

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

The Honorable Donna Mercado Kim, Chair
The Honorable Les Ihara, Jr., Vice Chair

H.B. No. 2008 HD2, Relating to Public Employment

Hearing: Thursday, March 17, 2016, 1:30 p.m.

The Hawaii State Ethics Commission **opposes** H.B. No. 2008 HD2 to the limited extent that it prohibits the Investigations Division of the Department of the Attorney General from hiring qualified investigators for more than one term of 89-days or less. The Commission takes no position on the bill as it applies to employees working in other state agencies.

The Commission has worked with the Investigations Division on a number of investigations involving violations of the State Ethics Code, some of which also resulted in criminal prosecution. In addition, when the Attorney General has declined to prosecute an employee, the department and the Investigations Division occasionally have forwarded information, including parts of an investigation, for the Commission's consideration and, where appropriate, administrative action. The Investigation Division's assistance and collaboration have been a tremendous benefit to the Commission.

The Commission understands that the Investigations Division currently employs 50 investigators, 43 of whom are hired through 89-day contracts. The Commission also understands that, if passed, this bill will likely prohibit the Investigations Division from continuing to employ most, perhaps all, of the 43 investigators who are currently hired through 89-day contracts. Should that happen, the Investigations Division's ability to work with and assist the Commission on certain investigations will be seriously compromised. As a practical matter, the Commission expects that the Investigations Division will not be able to provide any assistance to the Commission; the Investigations Division simply will not have a sufficient number of qualified investigators.

The Commission suggests that preserving public trust in state government should be, now and always, a legislative priority. Like the Commission, the

Investigations Division's underlying mission, i.e., its "foundation," is to protect the public interest and, through its work, to foster public confidence in state government. The Commission urges the Committee to consider the substantial impact - negative impact -

that the bill will have on the Investigations Division's ability to continue performing its duties, including working and collaborating with the Commission and other agencies. The Commission suggests that such a result is harmful to the public interest and, more generally, to government's ability to build public trust.

The Commission suggests that the Committee amend the bill to exempt the Investigations Division in its employment of qualified investigators from the bill.

Thank you for your continuing support of the Commission's work and for considering the Commission's testimony on H.B. No. 2008 HD2.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

**The Twenty-Eighth Legislature, State of Hawaii
Hawaii State Senate
Committee on Judiciary and Labor
Committee on Government Operations**

**Testimony by
Hawaii Government Employees Association
March 17, 2016**

**H.B. 2008, H.D. 2 – RELATING TO
PUBLIC EMPLOYMENT**

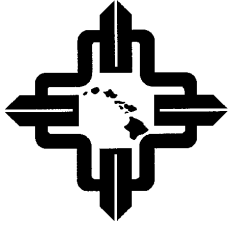
The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of H.B. 2008, H.D. 2 which prohibits the State of Hawaii from hiring persons for more than two 89-day terms for a fully or partially general-funded position during that person's lifetime. The bill provides limited exceptions to the proposed restriction that are reasonable.

Several state departments have used 89-day term hires to fill positions inappropriately by extending the terms multiple times. These employees are denied collective bargaining rights and any benefits. This practice is a direct circumvention of the civil service system and it must stop. Therefore, we believe the restrictions contained in H.B. 2008, H.D. 2 are long overdue.

Thank you for the opportunity to testify in support of H.B. 2008, H.D. 2.

Respectfully submitted,

**Randy Perreira
Executive Director**



HAWAII HEALTH SYSTEMS

C O R P O R A T I O N

Quality Healthcare For All

SENATE COMMITTEE ON JUDICIARY AND LABOR

Senator Gilbert S.C. Keith-Agaran, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Senator Donna Mercado Kim, Chair
Senator Les Ihara, Jr., Vice Chair

NOTICE OF HEARING

DATE: Thursday, March 17, 2016
TIME: 1:30 p.m.
PLACE: Conference Room 414
State Capitol
415 South Beretania Street

Testimony in Opposition to HB 2008, HD2, Relating to Public Employment.

Linda Rosen, M.D., M.P.H.
Chief Executive Officer
Hawaii Health Systems Corporation

On behalf of the Hawaii Health Systems Corporation ("HHSC") Corporate Board of Directors, thank you for the opportunity to present testimony in opposition to HB 2008, HD2, Relating to Public Employment, that prohibits the State from hiring persons for more than two 89-day terms in a fully general-funded position.

HHSC has a Memorandum of Understanding with the Department of the Attorney General (the "Department") in which the Department provides investigative services to HHSC. The Department is able to utilize retired law enforcement officers who are fully trained and qualified to provide criminal and civil investigative services. While we do not know when or how often we will have a need for these services, when we do, the Department is able to promptly assign an experienced investigator from the 89-day hire program to assist us. Without the benefit of these services, HHSC would have to pay much more for a full time employee or engage a private law firm. Using a law firm or private entity to complete our investigations is also problematic if the situation being investigated results in a criminal prosecution. The investigator's ability to preserve evidence to ensure a successful prosecution is of substantial importance to HHSC.

The service that we receive from the Attorney General's Department is professional and cost effective. We are thankful for the resources.

Thank you for the opportunity to testify before this committee. We would respectfully request that the Committee oppose this measure.

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UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committees on Judiciary & Labor and Government Operations
March 17, 2016 at 1:30 p.m.

By
Jan Gouveia
Vice President for Administration
University of Hawai'i

HB 2008 HD2 – RELATING TO PUBLIC EMPLOYMENT

Chairs Keith-Agaran and Kim, Vice Chairs Shimabukuro and Ihara, and members of the Committees:

I am respectfully submitting written testimony on behalf of the University of Hawai'i regarding House Bill 2008 House Draft 2 – Relating to Public Employment – which proposes to amend HRS, Chapter 78, Public Service, by adding a new section that will prohibit the State, including the University of Hawai'i, from hiring individuals for more than two (2) terms of eighty-nine (89) days for a fully general-funded position per the lifetime of the person, with limited exemptions to: 1) contracts executed under HRS, Chapters 103, 103D, 103F, 104, and any other contracts for services wherein the contracting process is established by law; 2) the respective counties; 3) the legislative branch; 4) seasonal hires by the Department of Taxation; and 5) bona fide employees that were held over after retirement for training purposes with a training plan filed with the Department of Human Resources Development.

The University of Hawai'i has significant concerns regarding the passage of HB 2008 HD2, as we believe it will hinder and jeopardize our ability to provide ongoing and necessary service and support to the University constituents, especially our students, and the greater community at large. Specifically, the bill would impact our ability to provide academic and student support services in campus departments; a safe and healthy learning and working campus environment; compliance with existing and new federal and state statutes, regulations, and other government guidelines; and timely services during personnel transitions including resignations, retirements, and transfers.

While the University acknowledges the legislature's intent to curtail the abuse of short-term temporary appointments, HB 2008 HD2 will take away the flexibility and tools critical for management to address the intermittent and immediate short-term services that allow the University to fulfill its mission, purpose, and goals in serving our students and the greater community at large. The use of temporary appointments of 89-days or less allows the University campuses and colleges to provide and fulfill Board of Regent's mandates and services by the creation of short-term employment positions in areas such as academics, student services, institutional support, administration, and operations.

In the alternative, we recommend exceptions to the prohibitions in the bill in situations that present a health and safety concern and/or compliance with federal and state laws, rules, and regulations; or rather than immediately imposing the restrictive language that HB 2008 HD2 suggests on the University and other State departments, we suggest a more collaborative approach by creating a task force to study the concerns raised with various stakeholders. The task force would then develop a plan and approach in addressing all issues in a balanced and fair manner.

Thank you for the opportunity to provide testimony on this measure.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: [REDACTED]
Subject: Submitted testimony for HB2008 on Mar 17, 2016 13:30PM
Date: Wednesday, March 16, 2016 7:26:23 AM
Attachments: [Regarding HB2008 HD2 Public Employment.docx](#)

HB2008

Submitted on: 3/16/2016

Testimony for JDL/GVO on Mar 17, 2016 13:30PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Abigail Royston	Individual	Oppose	No

Comments:

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I strongly urge you to defeat measure HB2008 HD2 Public Employment; Temporary Hires; Limitation. I am employed as a Psychologist by the Department of Education, but I am submitting this testimony as a private citizen, not as a representative of the Department of Education. I have been working for the Windward District since 1998 as a School Psychologist and then a Psychologist.

We have an extremely difficult time filling our School Psychologist and Psychologist positions and keeping these positions filled once we hire someone, mostly due to the fact that these highly trained professionals can make more money working less time in school systems on the mainland. Even so, we have a legal obligation to serve the needs of children with disabilities in a timely manner despite the lack of personnel. Because of this, I have frequently found myself covering work that should be done by two or three employees, and we have needed to pay private providers to complete some special needs evaluations when it is impossible for current employees to complete them within the legal timelines. This is expensive.

While I know our supervisors would love to be able to hire full time permanent employees into all of our open positions, we have used long-term temporary hires under several conditions. When a qualified individual wants to work part time for personal reasons (e.g., mothers of young children who need some flexibility, and an individual who went back to graduate school for doctoral training and who worked whatever hours she could carve from her graduate program), we welcome that assistance and hire them with the caveat that if we can fill the position on a full time permanent basis, we will do so. We have had individuals work for us part time for several years under these conditions because we have been unable to fill the positions, despite interviewing and making offers on multiple occasions.

We have also used temporary hires in an attempt to increase the available pool of qualified individuals. School Psychology training requires a one-year full time internship prior to completion of the graduate degree. I have supervised interns almost annually for at least eight years, and many of them have then worked for us as full time permanent School Psychologists for some time. Right now, half of the School Psychologists employed by the Windward District started as my interns. If we could not offer a full year of temporary employment, I would be unable to continue to train School Psychology interns and our employee shortage would become even more dire.