

DAVID Y. IGE  
GOVERNOR



THOMAS WILLIAMS  
EXECUTIVE DIRECTOR

KANOE MARGOL  
DEPUTY EXECUTIVE DIRECTOR

**STATE OF HAWAII  
EMPLOYEES' RETIREMENT SYSTEM**

TESTIMONY BY THOMAS WILLIAMS  
EXECUTIVE DIRECTOR, EMPLOYEES' RETIREMENT SYSTEM  
STATE OF HAWAII

TO THE HOUSE COMMITTEE ON FINANCE  
ON

HOUSE BILL NO. 2445, H.D. 1

MARCH 1, 2016, 1:00 P.M.

RELATING TO PUBLIC EMPLOYEES

Chair Luke, Vice Chair Nishimoto and Members of the Committee,

H.B. 2445, H.D. 1 provides for continued Employees' Retirement System (ERS) membership "special benefit coverage" for full-time public employees for whom employment terminates due to privatization of the employee's position upon the assumption of the operation of the government function or facility by an employer other than the State or its political subdivisions or if the facility is purchased by an employer other than the State or its political subdivisions.

As of the submittal of this testimony, the Board of Trustees of the Employees' Retirement System (ERS) has not yet reviewed H.B. 2445, H.D. 1 and therefore has not yet taken a formal position on this proposal. However, the ERS Board has been unwavering in its position that any benefit provided must include the funding necessary to cover its cost and/or amortize the cost of the benefit over time thereby avoiding any increase in the plan's unfunded liability.

The loss to the ERS of ongoing employer and employee contributions as envisioned by Act 103, SLH 2015, even absent of other special provisions, is forecast to increase the plan's unfunded



Employees' Retirement System  
of the State of Hawaii

liability substantially. This increase in the unfunded liability may result in higher contribution requirements or the maintenance of existing contributions for a longer period of time.

The ERS staff has the following comments and concerns regarding H.B. 2445, H.D. 1:

1. This bill jeopardizes the ERS's status as a "governmental plan" under IRC 414(d) by allowing employees to continue to accrue benefits while employed by a private employer. Loss of "governmental plan" status would mean that the ERS would be subject to federal tax rules applicable to private employer plans and subject the ERS to the Employee Retirement Income Security Act of 1974, as amended ("ERISA"). The ERS would not be compliant with the federal tax rules applicable to private employer plans. This could lead to the loss of the ERS's status as a "tax-qualified plan" which would be extremely harmful to its entire membership. Contributions received from employee members would no longer have the favorable pre-tax treatment; instead, employees' contributions to the ERS would be entirely subject to federal tax at the time of contribution. In addition, all members would be taxed on the value of their total accrued retirement benefits at the time they vest rather than when they receive their retirement benefits.
2. The bill presents many unanswered questions. The bill does not specify or define what the continuing coverage of the terminated employee would be. Does the employee maintain coverage only through employment with the new privatized employer? If so, for how long? The employee could continue to accrue ERS benefits indefinitely while also accruing retirement benefits under the new or even a subsequent employer's plan, based on compensation over which the State has no control and which may have no correlation to the employee's public sector compensation. Would the "special benefit coverage" involve transmittal of personnel, payroll and workers' compensation information with the privatized employer in order to maintain coverage? What about employer and employee contributions?
3. The bill presupposes that the impact of terminating coverage in the ERS will be an actuarial gain. While it is possible, and perhaps probable, that the aggregate impact will be an actuarial gain, it is not true on an individual basis. There will be a group of retirement-eligible members for whom the privatization of their position will allow them to

immediately commence their benefits under the ERS while still receiving a paycheck as an employee with the privatized entity. We would expect each of these employees to immediately commence their ERS benefit which will result in an actuarial loss.

4. The bill addresses the cost of any additional liability associated with providing continuing coverage to members who would otherwise cease to be a State employee covered under ERS. However, more than 50% of the current employer contributions are used to pay for the current unfunded liability of the ERS. If there are no continuing contributions on behalf of the privatized members then the amount of contribution dollars in future years will be less than currently anticipated. This may require the employer contribution rate for the remaining employers to increase to make up for this reduction in contribution dollars.

On behalf of the Board of Trustees and staff of ERS we wish to thank you for the opportunity to testify.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 29, 2016 8:02 AM  
**To:** FINTestimony  
**Cc:** suekaulukukui@yahoo.com  
**Subject:** Submitted testimony for HB2445 on Mar 1, 2016 13:00PM

**HB2445**

Submitted on: 2/29/2016

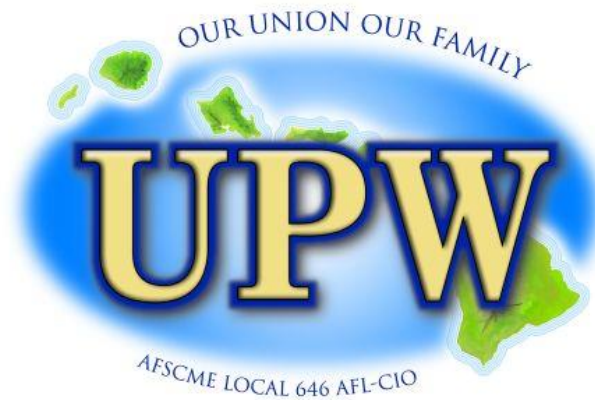
Testimony for FIN on Mar 1, 2016 13:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Suzanne Kaulukukui	HGEA	Support	No

Comments: I have been a State RN for over 22 years, as have many of my friends at Maui Memorial. We have had lower pay all these years than our friends at Queens or Kapiolani because we believed at the end we would get our pension and insurance. It isn't fair to change the rules up now that we are close to the end of our careers. Please be mindful of this when you vote for this bill. Mahalo!

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THE HAWAII STATE HOUSE OF REPRESENTATIVES  
The Twenty-Eighth Legislature  
Regular Session of 2016

COMMITTEE ON FINANCE

The Honorable Silvia Luke, Chair  
The Honorable Scott Nishimoto, Chair

DATE OF HEARING: Tuesday, March 1, 2016  
TIME OF HEARING: 1:00 p.m.  
PLACE OF HEARING: State Capitol  
415 South Beretania Street  
Conference Room 308

**TESTIMONY IN SUPPORT OF HB 2445, HD1 RELATING TO PUBLIC EMPLOYEES**

By DAYTON M. NAKANELUA,  
State Director of the United Public Workers (UPW),  
AFSCME Local 646, AFL-CIO

My name is Dayton M. Nakanelua, State Director of the United Public Workers, AFSCME, Local 646, and AFL-CIO. The UPW is the exclusive bargaining representative for approximately 12,000 public employees, which include blue collar non-supervisory employees in Bargaining Unit 01 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represents about 1,500 members of the private sector.

HB2445, HD1 Relating to Public Employees ensures future ERS benefits for public employees who are terminated from public employment due to the privatization of their positions.

The UPW **strongly supports** this bill. Many employees in HHSC Maui Region are facing a crisis situation due to the recent R-I-F notifications. This is an urgent situation and the Committee is asked to pass the bill.

Thank you for the opportunity to submit this testimony.



Aloha,

My name is Ginet Hayes, a proud public employee and member of the Hawaii Government Employees Association.

I am writing in support of HB 2445. I believe that our state should remain committed to the employees of the Hawaii Health Systems Corporation, Maui Region who selected public employment and are now impacted by state legislation that has elected to privatize HHSC Maui. These individuals should be able to maintain fair access to retirement benefits based on the prior contributions as government employees as HB 2445 reads: "entitled to receive future retirement benefits under the system commensurate with the prior contributions made by the employee or made on the employee's behalf upon the privatization of the employee's position."

I stand in support of this legislation and kindly ask that the committee vote in favor of the bill.

Thank you for your kind consideration.

Sincerely,

**Ginet Hayes**

Kapolei Resident

Public Employee

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 29, 2016 8:36 AM  
**To:** FINTestimony  
**Cc:** championhome@hotmail.com  
**Subject:** Submitted testimony for HB2445 on Mar 1, 2016 13:00PM

**HB2445**

Submitted on: 2/29/2016

Testimony for FIN on Mar 1, 2016 13:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Arnold Abe	Individual	Support	No

Comments: Please give this your favorable consideration, for those employees that have been affected by their change in employment through no action nor fault of their own.

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**Sent:** Monday, February 29, 2016 8:10 AM  
**To:** FINTestimony  
**Cc:** jlam572@yahoo.com  
**Subject:** Submitted testimony for HB2445 on Mar 1, 2016 13:00PM

**HB2445**

Submitted on: 2/29/2016

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Justin Lam	Individual	Support	No

Comments: I support this bill on behalf of all of the state employees on maui that need their retirement benefits protected with the kaiser takeover, and all subsequent takeovers that will occur in the future.

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Aloha and thank you for your time today.

Our state workers who have served the public do not deserve to have the benefits they have earned stripped away.

I support this measure to protect and give fair treatment to those who are affected by privatization of public facilities.

Mahalo,

Katherine Kamealoha RN, Hawaii State Hospital

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 28, 2016 10:25 PM  
**To:** FINTestimony  
**Cc:** palakiko96744@yahoo.com  
**Subject:** Submitted testimony for HB2445 on Mar 1, 2016 13:00PM

**HB2445**

Submitted on: 2/28/2016

Testimony for FIN on Mar 1, 2016 13:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
James Palakiko	Individual	Support	No

Comments: Dear Sirs/ Madams, I support this bill, in its current version. Mahalo

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**Sent:** Sunday, February 28, 2016 10:22 PM  
**To:** FINTestimony  
**Cc:** tagaran33@gmail.com  
**Subject:** \*Submitted testimony for HB2445 on Mar 1, 2016 13:00PM\*

**HB2445**

Submitted on: 2/28/2016

Testimony for FIN on Mar 1, 2016 13:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tina	Individual	Support	No

Comments:

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TESTIMONY BY Joshua Capp  
Employed by the Department of Human Services, State of Hawaii  
HGEA Member

TO THE HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT AND THE HOUSE COMMITTEE ON  
TRANSPORTATION ON  
HOUSE BILL NO. 2445  
FEBRUARY 9, 2016, 9:30AM  
RELATING TO PUBLIC EMPLOYEES.

My name is Joshua Capp and I am a State of Hawaii employee and a member of the Hawaii Government Employees Association. I write in support of House Bill 2445 HD 1, as employees at the Maui Memorial Hospital, Kula Hospital, and Lanai Hospital are caught in having their employment privatized through no fault of their own. The career plans that they have contributed to all their lives and have counted upon are now in dire jeopardy. This disruption of their future financial status will put many in further hardship. These employees are hard working middle class people that are already being caught in the economic struggle of making a decent future. I ask for your support for working families across Hawaii and for House Bill 2445 HD 1. Thank you.

Joshua Capp

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 28, 2016 6:26 PM  
**To:** FINTestimony  
**Cc:** sbunny808@aol.com  
**Subject:** Submitted testimony for HB2445 on Mar 1, 2016 13:00PM

**HB2445**

Submitted on: 2/28/2016

Testimony for FIN on Mar 1, 2016 13:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Josette Kawana	Individual	Support	No

Comments: I am in support of HB2445. Employees' retirement benefits should NOT be taken away due to privatization.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 28, 2016 6:24 PM  
**To:** FINTestimony  
**Cc:** sbunny808@aol.com  
**Subject:** Submitted testimony for HB2445 on Mar 1, 2016 13:00PM

**HB2445**

Submitted on: 2/28/2016

Testimony for FIN on Mar 1, 2016 13:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jojo Kawana	Individual	Support	No

Comments: I am in support of HB2445. Employees' retirement benefits should be taken away due to privatization.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 28, 2016 5:57 PM  
**To:** FINTestimony  
**Cc:** angiegoodbody@gmail.com  
**Subject:** \*Submitted testimony for HB2445 on Mar 1, 2016 13:00PM\*

**HB2445**

Submitted on: 2/28/2016

Testimony for FIN on Mar 1, 2016 13:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Angela Goodbody	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 28, 2016 5:02 PM  
**To:** FINTestimony  
**Cc:** timkawana@aol.com  
**Subject:** \*Submitted testimony for HB2445 on Mar 1, 2016 13:00PM\*

**HB2445**

Submitted on: 2/28/2016

Testimony for FIN on Mar 1, 2016 13:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tim Kawana	Individual	Support	No

Comments:

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TESTIMONY By Priscilla Badua  
HGEA Board of Director (Kauai Island Division)  
Employed by the Department of Human Services, State of Hawaii  
TO THE HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT  
AND  
THE HOUSE COMMITTEE ON TRANSPORTATION  
ON HOUSE BILL NO. 2445  
FEBRUARY 29, 2016, 9:30 AM  
RELATING TO PUBLIC EMPLOYEES

My name is Priscilla Badua and I am a State of Hawaii employee, a Board of Director of the Hawaii Government Employees Association and participant in the Employees Retirement System. I write in support of House Bill 2445 HD1. Employees at the Maui Memorial Hospital, Kula Hospital and Lanai Hospital are caught in having their employment privatized through no fault of their own. The career plans they have counted upon are in dire jeopardy. This disruption of their future financial status will put many in a hardship situation. These employees are hard working middle class people that are already caught in the economic struggles of making a decent future. I ask for your support of working people and for HB 2445 HD1.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 29, 2016 9:24 AM  
**To:** FINTestimony  
**Cc:** dmatsuda@hhsc.org  
**Subject:** \*Submitted testimony for HB2445 on Mar 1, 2016 13:00PM\*

**HB2445**

Submitted on: 2/29/2016

Testimony for FIN on Mar 1, 2016 13:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
D Matsuda	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 29, 2016 9:23 AM  
**To:** FINTestimony  
**Cc:** uglowgurl@gmail.com  
**Subject:** Submitted testimony for HB2445 on Mar 1, 2016 13:00PM

**HB2445**

Submitted on: 2/29/2016

Testimony for FIN on Mar 1, 2016 13:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shelly Ogata	Individual	Support	No

Comments: I am in support of this measure to address the significant challenges employees face under the privatization of the HHSC, Maui region. Although I am not directly affected, I have friends who are and this will help mitigate the impact.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 29, 2016 9:20 AM  
**To:** FINTestimony  
**Cc:** takano.joan@gmail.com  
**Subject:** Submitted testimony for HB2445 on Mar 1, 2016 13:00PM

**HB2445**

Submitted on: 2/29/2016

Testimony for FIN on Mar 1, 2016 13:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joan Takano	Individual	Support	No

Comments: I strongly support these measures (HB 2445, HD1; HB 2446, HD 1; and HB 2606, HD1) and urge you to pass the bills. The employees of the Hawaii Health Systems Corporation Maui Region could face serious economic hardship through no fault of their own, but because of the privatization action of their employer. They have provided valuable service to the Maui community and these measures could bring welcome relief to the employees. Our Maui community is already hurting because of the closure of HC&S and hundreds of our sisters and brothers losing their jobs. I urge you to pass these bills. Thank you for the opportunity to testify.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 29, 2016 9:16 AM  
**To:** FINTestimony  
**Cc:** goodhone@gmail.com  
**Subject:** \*Submitted testimony for HB2445 on Mar 1, 2016 13:00PM\*

**HB2445**

Submitted on: 2/29/2016

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Virgil Medeiros	Individual	Support	No

Comments:

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2/29/2016

I support this bill and stand in solidarity with the people affected under the privatization of the Hawaii Health System Corporation, Maui Region.

Sincerely,

A handwritten signature in black ink, appearing to be 'Noel Jose', with a long horizontal flourish extending to the right.

Noel Jose

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 29, 2016 9:42 AM  
**To:** FINTestimony  
**Cc:** diane.nakashima@gmail.com  
**Subject:** Submitted testimony for HB2445 on Mar 1, 2016 13:00PM

**HB2445**

Submitted on: 2/29/2016

Testimony for FIN on Mar 1, 2016 13:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Diane Nakashima	Individual	Support	No

Comments: I support this bill. Yes, please let the employee continue with their ERS benefits.

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**Sent:** Monday, February 29, 2016 10:04 AM  
**To:** FINTestimony  
**Cc:** dkai377@yahoo.com  
**Subject:** \*Submitted testimony for HB2445 on Mar 1, 2016 13:00PM\*

**HB2445**

Submitted on: 2/29/2016

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Debra Kaina	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 29, 2016 10:58 AM  
**To:** FINTestimony  
**Cc:** cfuke@hhsc.org  
**Subject:** \*Submitted testimony for HB2445 on Mar 1, 2016 13:00PM\*

**HB2445**

Submitted on: 2/29/2016

Testimony for FIN on Mar 1, 2016 13:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cindy Fuke	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 29, 2016 11:05 AM  
**To:** FINTestimony  
**Cc:** bradshields808@gmail.com  
**Subject:** \*Submitted testimony for HB2445 on Mar 1, 2016 13:00PM\*

**HB2445**

Submitted on: 2/29/2016

Testimony for FIN on Mar 1, 2016 13:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bradley	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 29, 2016 11:09 AM  
**To:** FINTestimony  
**Cc:** gbair@hhsc.org  
**Subject:** \*Submitted testimony for HB2445 on Mar 1, 2016 13:00PM\*

**HB2445**

Submitted on: 2/29/2016

Testimony for FIN on Mar 1, 2016 13:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ginger Moreira	Individual	Support	No

Comments:

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Testimony on Behalf of Rhianne Spencer emp # 57843 at MMMC

I have Rhianne for about 10 months, ( I was hired in May 2015) and in those 10 months, Ms. Spencer has been a great help and asset in our HIM/ coding department. As coders we are charged with the task of accurately and correctly submitting “codes” that reflect all the services our physicians perform in our facility. Ms. Spencer is our liaison that deals with other departments, (mainly the ER dept.) in making sure that all documentation available to the coders is in our system in a timely fashion. She reviews all documentation for services provided in the ER and submits charges for services rendered. This is a tedious and critical part in the coding process. She devotes a great amount of time on this and takes this necessary chore from us coders. We value her and her help. We need her.

Thank you.

Laura Medina – CCS-P

MMMC – HIM/ Coding Dept.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 29, 2016 11:29 AM  
**To:** FINTestimony  
**Cc:** maili.diver@gmail.com  
**Subject:** Submitted testimony for HB2445 on Mar 1, 2016 13:00PM

**HB2445**

Submitted on: 2/29/2016

Testimony for FIN on Mar 1, 2016 13:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Calvin Calkins	Individual	Support	No

Comments: Only fair. Look at daBus. MTL has same plan.

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TESTIMONY BY Eric Inouye

Employed by the County of Kauai, Department of Finance, Information Technology Division,  
Specialist IV

HGEA – Kauai Division Political Action Committee Chair, Unit 13 Member

TO THE HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT

AND

THE HOUSE COMMITTEE ON TRANSPORTATION

ON

HOUSE BILL NO. 2445

FEBRUARY 9, 2016, 9:30 A.M.

RELATING TO PUBLIC EMPLOYEES

Aloha State House of Representatives Committee Members,

My name is Eric Inouye and I am a County of Kauai employee, Hawaii Government Employees Association Unit 13 Member, and a participant in the Employees retirement system. I write in support of House Bill 2445 HD1. Employees at the Maui Memorial Hospital, Kula Hospital and Lanai Hospital are caught in having their employment privatized due to a situation that is out of their control and through no fault of their own. The career plans they have counted upon are in dire jeopardy. This disruption of their future financial status will put many in a hardship situation. These employees are hard-working middle class people that are already being caught in the economic struggles of making a decent future. I ask for your support of working people and for HB 2445 HD 1.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 29, 2016 11:41 AM  
**To:** FINTestimony  
**Cc:** chpacheco@hhsc.org  
**Subject:** \*Submitted testimony for HB2445 on Mar 1, 2016 13:00PM\*

**HB2445**

Submitted on: 2/29/2016

Testimony for FIN on Mar 1, 2016 13:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
christine pacheco	Individual	Support	No

Comments:

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(C) 808-269-5973

February 29, 2016

RE: HB 2446 HD1 - SUPPORT  
HB 2445 HD1 - SUPPORT  
HB 2606 HD1 – SUPPORT

I have dedicated my career to being a nurse at MMMC since 1996. I had intentions of retiring from the state when I met eligibility next year. I am at the point where I need to wait till February 2017 to meet my years of service requirement of 20 years. If my first year of e-hire was counted, I would meet the years of service for early retirement now. I will be 55 this year on 9/21/16. If our current contract expiring June 2017 was honored I would have been able to reach my goal. Please allow for special consideration for those of us that are within a year of meeting eligibility, &/or have 20 + years of service irregardless of age. I urge you to support penalty free options for those of us that have invested our lives to caring for the health & welfare of Maui County residents & visitors.

Since my job is being abolished I am faced with life changing decisions that will have a huge impact on my future, especially my retirement plans. In a perfect world, I would have all my options clearly available at the same time, so I can make fully informed decisions that directly impact my future economic stability. However, we have been forced to make decisions regarding the RIF (reduction in force) directly resulting from Act 103 to privatize Maui Region without full disclosure.

We have no confirmation of an offer, nor input on what our options will be once our jobs are abolished. In an effort to not burn any bridge before knowing what is on the other side, a lot of employees said yes to the RIF, to buy time for more information & for these bills to become law. Even at this juncture we have no guarantee as to how the final bills will read, nor if we qualify. Please include language to forbid any penalties for inquiring about a RIF offer. For many of us, working a year or more with the state may be the best option. This is extremely significant, especially if we do not qualify to meet the requirements that you are setting when our state positions at HHSC Maui Region are abolished.

I can only hope & pray that you remember all of us that supported you throughout the years, & plead for you to not turn your back on us now. We are proud dedicated members of our community & intend to continue to be productive members of society. We will continue to reinvest our hard earned money as we support local businesses & our communities.

Thank you for considering my testimony. You can feel free to contact me if you have any questions or for further discussion.

Mahalo nui loa,

Chuck Kroner, RN  
Med/Surg RPN III

Molokai South (3 South), MMMC

HOUSE OF REPRESENTATIVES  
THE TWENTY-EIGHTH LEGISLATURE  
REGULAR SESSION OF 2016  
HOUSE COMMITTEE ON FINANCE

DATE: Tuesday, March 1, 2016

TIME: 1:00 P.M.

State Capitol, Conference Room 308  
415 South Beretania Street, Honolulu, HI 96813

**COMMITTEE ON FINANCE**

Representative Sylvia Luke, Chair

Representative Scott Y. Nishimoto, Vice Chair

**From:** Mary D Wagner

**Re:** HB2445 – HD1 RELATING TO PUBLIC EMPLOYEES.

**Position:** In Support

**Chairs & Committee Members:**

I, Mary D. Wagner, a Maui resident and a member of HGEA, Hawaii Government Employees Association, strongly support this measure, which seeks to ensure future ERS benefits for public employees who are terminated from public employment due to the privatization of their positions. The public employees at the now MMMC whose jobs are subject to privatization should not be faced with the loss of retirement benefits because of actions of the State. These workers faithfully served their employer, the State of Hawaii, and were not responsible for the State's move to privatize their positions. However, they and their families are ones most directly and adversely affected by this move.

As a HGEA union leader, I stand in solidarity with my brothers and sisters at MMMC that are facing the loss of retirement benefits and I urge you to vote in support of the passage of HB2445 – HD1.

Thank you for this opportunity to submit testimony.

**Mahalo nui loa,**  
Mary D. Wagner

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 29, 2016 1:37 PM  
**To:** FINTestimony  
**Cc:** jkuwabar@hgea.org  
**Subject:** \*Submitted testimony for HB2445 on Mar 1, 2016 13:00PM\*

**HB2445**

Submitted on: 2/29/2016

Testimony for FIN on Mar 1, 2016 13:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Wendy Oyadomari	Individual	Support	No

Comments:

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**HB2445**

Submitted on: 2/29/2016

Testimony for FIN on Mar 1, 2016 13:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sharon Fong	Individual	Support	No

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**HB2445**

Submitted on: 2/29/2016

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Roberta Mann	Individual	Support	No

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**HB2445**

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joy Ring	Individual	Support	No

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**HB2445**

Submitted on: 2/29/2016

Testimony for FIN on Mar 1, 2016 13:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Suzanne Okino	Individual	Support	No

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**HB2445**

Submitted on: 2/29/2016

Testimony for FIN on Mar 1, 2016 13:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
vernon verzon	Individual	Support	No

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**To:** FINTestimony  
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**HB2445**

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Testimony for FIN on Mar 1, 2016 13:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Merle Chun	Individual	Support	No

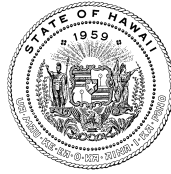
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DAVID Y. IGE  
GOVERNOR

**LATE**



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 HOUSE COMMITTEE ON FINANCE  
ON  
HOUSE BILL NO. 2445, H.D. 1**

March 1, 2016  
1:00 p.m.

**RELATING TO PUBLIC EMPLOYEES**

House Bill No. 2445, H.D. 1, adds a new chapter to the Hawaii Revised Statutes (HRS), to ensure future Employees' Retirement System (ERS) benefits for public employees who are terminated from public employment due to the privatization of their positions.

The Department of Budget and Finance opposes this measure which provides for the continuation of accruing benefits for persons who are no longer employed by the State due to privatization of their positions.

As detailed in the testimony of the ERS, this measure may have dire consequences for the ERS by jeopardizing its status as a governmental plan which would subject the ERS to federal tax rules applicable to private employer plans, for which the ERS is not compliant. In addition, employee members will be negatively impacted as their contributions would now be subject to federal tax instead of receiving favorable pre-tax treatment.

Furthermore, it is unclear who will make contributions for the employer, including the costs to pay for the current unfunded actuarial accrued liability.

Finally, this measure could be considered a benefit enhancement, which is contrary to Section 88-99, HRS.

**LATE**

From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, March 01, 2016 6:36 AM  
To: FINTestimony  
Cc: llexier@hpsc.org  
Subject: \*Submitted testimony for HB2445 on Mar 1, 2016 13:00PM\*

**HB2445**

Submitted on: 3/1/2016

Testimony for FIN on Mar 1, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Leslie Lexier	Individual	Support	No

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From: mailinglist@capitol.hawaii.gov  
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To: FINTestimony  
Cc: dmatsuda@hhsc.org  
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**LATE**

**HB2445**

Submitted on: 3/1/2016

Testimony for FIN on Mar 1, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
D Matsuda	Individual	Support	No

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**LATE**

February 29, 2016

Dear Legislator,

I am writing to inform you of the impact of the Public-Private partnership on a personal level. While I am happy to hear that services will be expanded and that healthcare on Maui will get an infusion of cash, expertise and energy, I am concerned about some of the impact on individual workers. I apologize that this testimony is late, but we are only given short notice to get this to you.

Here is my personal story/situation:

I have an 84 yo mother who lives alone on the mainland. I would like to be able to assist her if needed using FMLA benefits. If my vacation/sick leave balances are zero'd as a result of this transition, I may be in a situation to have to take leave without pay. I have worked at MMMC since 1988, and I have banked a considerable amount of time since I have stayed fairly healthy and not abused my benefits.

I am unable to take retirement at this time without a 22% penalty since there is an age reduction factor. I will be 58 years old when the transition occurs. I am an RN with a Master's Degree in Nursing Science, and I have dedicated the bulk of my career as a nurse to Maui Memorial. Due to emergency hire and other unusual HR policies/practices, my calculated years of service fall short of the 30 years needed to retire without penalty-- by 3 years and 2 months per their calculation. I worked part time in the Critical Care Unit while job sharing another position in Quality and Utilization Management. Unfortunately, HR/ERS will only count this as part-time for that time period. Having both of those jobs simultaneously was enriching for me professionally, and it allowed for my clinical expertise to be used in the Quality realm. But now I pay the price of less years of service for my retirement calculation. I have actually been employed at MMMC since 1988 and the majority of time I worked 40 or more hours per week—in Critical Care, Quality, Education, Case Management, and as an instructor at Maui Community College. IT is uncertain at this time what Kaiser offers for retirement and how many more years I would need to work in that system to be eligible for retirement.

I could use my RIF benefits to try to finish my last 3 years, but this would create a hardship due to travel, and I would not like the karma associated with "bumping" another employee. This is simply a trickle down solution in which I will not participate. I pay taxes and work hard to thrive on Maui, so this option does not seem to be viable. The remaining State nursing jobs on Maui are not available for RIF since they are outside my jurisdiction of HHSC: Public Health, school nursing, and UH Maui College instructors. The number of people employed in those positions is very small and cannot accommodate a large number of MMMC employees. Lastly, I also have an small egg farm, and my partner would be completely burdened by caring for the animals by himself.

I am unable to defer any payout of my vacation (3 months) since I already contribute the maximum amount into my 403b (deferred comp). So this will affect my tax situation.

I realize that even if I receive my retirement, I will need to find supplemental income as it is less than half of my current net monthly income. I have done my best to continue life-long learning—in part to prepare financially for retirement. I recently studied and passed a certification exam to become a medical coder—again on my own time and my own dime.

On a less personal note as I am not currently in a staff RN position, I hope that there is also consideration to nurse-patient staffing ratios as we move forward. I am not familiar with how this has worked in the private sector, but as a potential patient and as a patient advocate with concern about quality care, I hope that this will be addressed on some level.

The bills before the legislation show compassion for employees in the Maui Region to ease the transition. All of these bills have merit. Additionally, utilizing accumulated sick time to offset age reduction penalty or qualify those who are a bit short for retirement eligibility could be considered. Thank you for any consideration that you give to the impact on staff and patient care, and thank you for working to improve health care on Maui.

Respectfully,

Penny Souder RN MS

Maui Memorial Medical Center

- August 1988 Began working as “Emergency Hire” RN at Maui Memorial Medical Center in August of 1988 in the Intensive Care Unit (ICU). Emergency Hire status is without benefits,

without service towards retirement, and without extra pay. I find this ironic since Hawaii was touted as the "Health State"

- September 1989 Hired as permanent to continue my employment as an ICU staff RN
- Worked full time with ICU RN staff as half of my job and job shared a Quality Management/UR position with an RN from the Surgical Floor – unfortunately it only counted as part-time even though I was scheduled full time
- Obtained my Master's Degree in the Nursing Program at UH through an outreach program. I did this on my own time over 5 years and my own dime including travel to Oahu for the clinical portion of my educationn
- I worked part-time as an Instructor at MCC Nursing Program but this does not count toward my retirement since I was a clinical instructor for 2.5 days per week
-





HAWAII GOVERNMENT EMPLOYEES ASSOCIATION  
AFSCME Local 152, AFL-CIO

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

**LATE**

The Twenty-Eighth Legislature, State of Hawaii  
House of Representatives  
Committee on Finance

Testimony by  
Hawaii Government Employees Association  
March 1, 2016

H.B. 2445, H.D. 1 – RELATING TO  
PUBLIC EMPLOYEES

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of H.B. 2445, H.D. 1. Under this bill, employees whose positions are privatized by an action of state or county government will continue to be eligible for state retirement pension and health benefits.

This measure is based upon legislation that was vetted and enacted by the Minnesota State Legislature. The Minnesota State Legislature clearly understood the importance and necessity of providing state retirement benefits to their employees. Without such a creative policy, these employees would be ineligible to receive state retirement benefits.

Now that the Maui Region of the Hawaii Health Systems Corporation will transition to be operated by the Kaiser system on July 1, 2016, it is the responsibility of the State of Hawaii to help the employees whose positions will be privatized. Unless we take preventive steps now, employees will be confronted with permanent economic hardship through no fault of their own. We cannot allow that to occur.

Thank you for the opportunity to testify in strong support of H.B. 2445, H.D. 1.

Respectfully submitted,

Randy Perreira  
Executive Director

**LATE**

From: mailinglist@capitol.hawaii.gov  
Sent: Monday, February 29, 2016 8:14 PM  
To: FINTestimony  
Cc: karenho@hawaii.edu  
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**HB2445**

Submitted on: 2/29/2016

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Submitted By	Organization	Testifier Position	Present at Hearing
Karen Ho	Individual	Support	No

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**HB2445**

Submitted on: 3/1/2016

Testimony for FIN on Mar 1, 2016 13:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
joycelyn iyo	Individual	Support	No

Comments:

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