

SB207, SD2

RELATING TO EMPLOYEES.

LAB, JUD, FIN

SB207 SD2 (?)

Submit Testimony

Measure Title: RELATING TO EMPLOYEES.

Report Title: Shared Leave Program; State and County Employees; Designation of Beneficiary Form

Description: Requires each state government branch to establish a shared leave program for state employees. Allows the chief executive of a county to establish a shared leave program for county employees. Precludes a state government branch from prohibiting leave sharing between different departments or bargaining units because of administrative infeasibility. Allows an employee's designation of beneficiary form to be filed with the department where the employee is employed and permits the designation to be made through a statement that is not verified or written, including through an electronically maintained statement. Effective 1/7/2059. (SD2)

Companion: [HB1402](#)

Package: None

Current Referral: LAB, JUD, FIN

Introducer(s): KIDANI, BAKER, ENGLISH, ESPERO, GALUTERIA, INOUYE, KEITH-AGARAN, K. RHOADS, RIVIERE, S. Chang, Dela Cruz

Sort by Date	Status	Text
1/20/2017	S	Introduced.
1/20/2017	S	Passed First Reading.
1/20/2017	S	Referred to JDL, WAM.
2/3/2017	S	The committee(s) on JDL has scheduled a public hearing on 02-09-17 9:05AM in conference room 016.
2/9/2017	S	The committee(s) on JDL recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in JDL were as follows: 5 Aye(s): Senator(s) Keith-Agaran, K. Rhoads, Gabbard, Kim, L. Thielen; Aye(s) with reservations: none ; 0 No(es): none; and 0 Excused: none.
2/16/2017	S	Reported from JDL (Stand. Com. Rep. No. 374) with recommendation of passage on Second Reading, as amended (SD 1) and referral to WAM.
2/16/2017	S	Report adopted; Passed Second Reading, as amended (SD 1) and referred to WAM.
2/17/2017	S	The committee(s) on WAM has scheduled a public hearing on 02-21-17 10:05AM in conference room 211.
2/21/2017	S	The committee(s) on WAM deferred the measure until 02-22-17 9:25AM in conference room 211.
2/22/2017	S	The committee(s) on WAM recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in WAM were as follows: 10 Aye(s): Senator(s) Tokuda, Dela Cruz, English, Harimoto, Inouye, K. Kahele, Riviere, Shimabukuro, Taniguchi, Wakai; Aye(s) with reservations: none ; 0 No(es): none; and 1 Excused: Senator(s) Galuteria.
3/3/2017	S	Reported from WAM (Stand. Com. Rep. No. 871) with recommendation of passage on Third Reading, as amended (SD 2).
3/3/2017	S	48 Hrs. Notice 03-07-17.
3/7/2017	S	Report adopted; Passed Third Reading, as amended (SD 2). Ayes, 25; Aye(s) with reservations: none . Noes, 0 (none). Excused, 0 (none). Transmitted to House.
3/7/2017	H	Received from Senate (Sen. Com. No. 100) in amended form (SD 2).
3/9/2017	H	Pass First Reading
3/9/2017	H	Referred to LAB, JUD, FIN, referral sheet 27
3/10/2017	H	Bill scheduled to be heard by LAB on Tuesday, 03-14-17 9:00AM in House conference room 309.

1 ~~program]~~ Each state government branch, and a county that
2 establishes a leaving sharing program pursuant to this section,
3 shall develop rules governing donors, recipients, and an
4 approval process that ensures fair treatment and freedom from
5 coercion of employees and imposes no undue hardship on the
6 employer's operations [~~. If it is administratively infeasible to~~
7 ~~allow leave sharing between different departments or different~~
8 ~~bargaining units, the rules may limit leave sharing to employees~~
9 ~~within the same department or same bargaining unit, as~~
10 ~~necessary.];~~ provided that a state government branch shall not
11 prohibit leave sharing between different departments or
12 bargaining units because of administrative infeasibility. At a
13 minimum, the rules shall require that an eligible recipient must
14 have:

- 15 (1) No less than six months of service within the
16 respective jurisdiction;
- 17 (2) Exhausted or is about to exhaust all vacation leave,
18 sick leave, and compensatory time credits; provided
19 that sick leave need not be exhausted when the illness
20 or injury involves a family member;



1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 5. This Act shall take effect on January 7, 2059.



Report Title:

Shared Leave Program; State and County Employees; Designation of Beneficiary Form

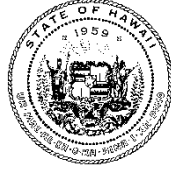
Description:

Requires each state government branch to establish a shared leave program for state employees. Allows the chief executive of a county to establish a shared leave program for county employees. Precludes a state government branch from prohibiting leave sharing between different departments or bargaining units because of administrative infeasibility. Allows an employee's designation of beneficiary form to be filed with the department where the employee is employed and permits the designation to be made through a statement that is not verified or written, including through an electronically maintained statement. Effective 1/7/2059. (SD2)

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



DAVID Y. IGE
GOVERNOR



RODERICK K. BECKER
Comptroller

AUDREY HIDANO
Deputy Comptroller

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

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

TESTIMONY OF
RODERICK K. BECKER, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT
ON
TUESDAY, MARCH 14, 2017
9:00 A.M.
CONFERENCE ROOM 309

S.B. 207, S.D. 2

RELATING TO EMPLOYEES.

Chair Johanson, Vice Chair Holt, and members of the Committee, thank you for the opportunity to testify on S.B. 207, S.D. 2.

The Department of Accounting and General Services (DAGS) strongly supports Part II of this measure and offers the following comments for your consideration.

Currently, §78-23(c), Hawaii Revised Statutes (HRS), requires the Employee's Designation of Beneficiary Form to be written, notarized, and filed with the comptroller or other disbursing officer who issues warrants or checks to pay an employee for the employee's services. This requirement has resulted in thousands of forms being maintained in a central location at DAGS. Maintaining the forms, which includes manually filing forms alphabetically for new employees, filing updated forms for current employees, and purging forms of employees no longer

employed with the State, is extremely labor intensive. By having the forms kept by the employing department, this form, along with other payroll and personnel forms, would routinely be discarded when no longer required.

The State is in the process of implementing a new payroll system that may be able to maintain beneficiary information entered by the employee. Section 78-23(c), HRS, is also being amended to eliminate the requirement that the form be written and notarized, which will allow the new system to maintain the beneficiary information in an electronic format.

Thank you for the opportunity to testify on this matter.

DAVID Y. IGE
GOVERNOR



JAMES K. NISHIMOTO
DIRECTOR

RYKER WADA
DEPUTY DIRECTOR

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

March 14, 2017

TESTIMONY TO THE
HOUSE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT
For Hearing on Tuesday, March 14, 2017
9:00 a.m., Conference Room 309

By

JAMES K. NISHIMOTO
DIRECTOR

Senate Bill No. 207 SD2
Relating to Employees

CHAIRPERSON JOHANSON, VICE-CHAIR HOLT AND MEMBERS OF THE HOUSE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT:

S.B. No. 207 SD2 amends Section 78-26 HRS, Leave Sharing Program, to require each state government branch to establish a leave sharing program to allow state employees to donate accumulated vacation leave credits to another state employee who has a serious personal illness or injury or who has a family member who has a serious personal illness or injury within each state government branch. The program shall allow employees who are not entitled to vacation leave to donate accumulated sick leave credits.

The Department of Human Resources Development respectfully appreciates the intent of but **opposes SB No. 207 SD2.**

The scope of S.B No. 207 SD2, which includes all departments under the Executive Branch, extends beyond the authority of the Department of Human of

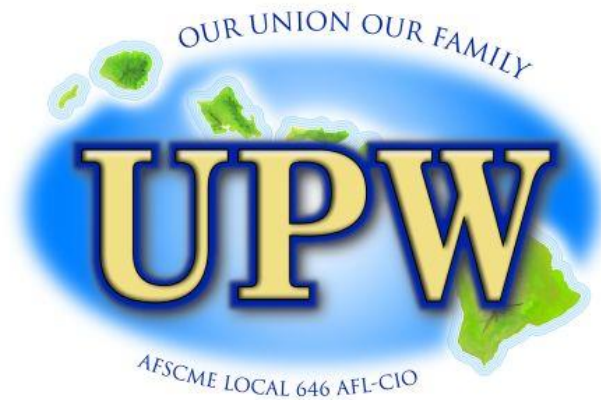
Resources Development, i.e., Department of Education, Hawaii Health Systems Corporation, and the University of Hawaii. The jurisdictional scope of the proposal requires assessment of existing policies and programs, for integration into the centralized system, prior to design an implementation. This process needs to be coordinated and agreed upon across all jurisdictions.

It is recommended that the authority to grant and appeals processes be formalized, to include a multi-jurisdictional board or referee, to insure fairness and transparency across the affected jurisdiction.

The Department of Human Resources Development does not currently have the resources to track shared leave usage across the span of an employee's State employment. As the conditions for usage include limitations over the life of an employee's State employment, a comprehensive and sustainable tracking system is recommended. We also recommend that budget for staffing, software development and maintenance, security, and hosting be included for this program.

Given the foregoing, we recommend that S.B. No. 207 SD2 be held.

Thank you for the opportunity to provide testimony on S.B. No. 207 SD2.



THE HAWAII STATE HOUSE OF REPRESENTATIVES
The Twenty-Ninth Legislature
Regular Session of 2017

COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT
The Honorable Representative Aaron Ling Johanson, Chair
The Honorable Representative Daniel Holt, Vice Chair

DATE OF HEARING: Tuesday, March 14, 2017
TIME OF HEARING: 9:00 a.m.
PLACE OF HEARING: State Capitol, Rm. 309
415 South Beretania Street

TESTIMONY FOR SENATE BILL 207 SD2 RELATING TO EMPLOYEES

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

My name is Dayton M. Nakanelua, State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO (UPW). The UPW is the exclusive bargaining representative for approximately 14,000 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.

SB207 SD2 provides a shared leave program for state and county employees. It is a compassionate policy that is the right thing to do for Hawaii's workers. The UPW supports this bill and requests the committee to pass it out.

Thank you for the opportunity to submit this testimony.

SB207, SD2
Relating to Employees
House Committee on Labor
March 14, 2017

My name is Malia Espinda. I am a state employee. However, I do not represent my department with this testimony.

Currently if a state employee is seriously ill or injured and has used up all accumulated sick *and* vacation leave, the employee may be able to seek donated vacation leave from fellow employees within the same department that the employee works in.

The state employee is not permitted to seek donated leave from fellow state employees across other departments or agencies.

This measure would address the following:

- A life-long Department of Health employee may have an established relationship with a fellow-state employee who works in the Department of the Attorney General. Over the years these state employees are more than respectful colleagues, they have become caring friends. However, if one of those employees should become seriously ill or injured, the other is prohibited from helping with donated vacation leave. This is simply not representative of the Aloha we share as state employees with our larger state employee Ohana.
- In the Capitol alone, there are 5 different departments/budgets that interface every day. If he/she ever needed the support, the Governor's, LG's, PSD Sheriff's, or Legislative staff could not assist the DAGS Janitor who has dutifully cleared out office trash for decades.
- State employees who work in a comparatively small department to that of the State's much larger departments are at an extreme disadvantage simply because the smaller number of staff presents limitations to the pool of potentially available donated leave. This is not fair.

- Currently, when an employee is seriously sick or injured and in need of donated leave, a common practice across departments is a department-wide e-mail blast soliciting donations. While this is an understandable means to garner donations, it may impact employee's desire for personal privacy during a difficult time. A broader pool may allow the employee to more comfortably seek support from close colleagues he or she work more directly with.
- When a state employee transfers from one state department to another, the employee's sick and vacation time transfers, as well. This suggests that there is a potential mechanism for departments to manage cross-department donated leave within their budgets. Alternatively, in the era of Go Funds accounts, perhaps an innovative solution could be considered and developed.

Finally, determining the cost differential impact of different levels employees should not hinder the passage of this measure. If there were a substantial loss realized, state departments would likely not maintain their current internal shared-leave programs. In fact, there may be overall state budget cost-savings to establishing a shared-leave program across all departments as employees opt to donate accumulated leave that might otherwise be paid out in retirement.

Thank you for considering this measure.

Aloha,
Malia Espinda

SB207, SD2

Late Testimony



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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

LATE

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LATE

The Twenty-Ninth Legislature, State of Hawaii
House of Representatives
Committee on Labor and Public Employees

Testimony by
Hawaii Government Employees Association

March 14, 2017

S.B. 207, S.D. 2 - RELATING TO EMPLOYEES

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of S.B. 207, S.D. 2, which requires each state government branch to establish a shared leave program for state employees. Additionally, this measure precludes a state government branch from prohibiting leave sharing between different departments or bargaining units due to administrative infeasibility.

Currently, many state departments offer a shared leave program for their employees; however, each program is run independently from each other, governed by different policies, and without the ability to participate in cross-departmental sharing. The shared leave program as proposed in S.B. 207, S.D. 2 will allow employees not only to donate into a shared leave bank which employees in need can utilize. Creating a statewide shared leave program not only significantly expands the pool of eligible leave donors and allows for more employees to participate, but will also ensure consistency and fairness in implementation. Additionally, we respectfully request that should this measure become law that the Employer consult with the Exclusive Representatives on its implementation.

Thank you for the opportunity to testify in strong support of S.B. 207, S.D. 2.

Respectfully submitted,


for Randy Perreira
Executive Director