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MARCH 20, 2017

TESTIMONY TO THE
SENATE COMMITTEE ON JUDICIARY AND LABOR
For Hearing on TUESDAY, MARCH 21, 2017
9:30 a.m., Conference Room 016

By

JAMES K. NISHIMOTO
DIRECTOR

House Bill No. 1402 HD2
Relating to Employees

(WRITTEN TESTIMONY ONLY)

CHAIRPERSON KEITH-AGARAN, VICE-CHAIR RHOADS AND MEMBERS OF THE
SENATE COMMITTEE ON JUDICIARY AND LABOR:

H.B. No. 1402 HD2 adds a new section to Chapter 78, Hawaii Revised Statutes, to establish a shared leave program that shall allow state employees to donate accumulated sick leave and vacation leave credits to a shared leave bank or directly to another state employee who has a serious personal illness or who has a family member who has a serious personal illness or injury. The shared program will be administered by the Department of Human Resources Development.

The Department of Human Resources Development respectfully appreciates the intent of but **opposes H.B. 1402 HD2.**

The scope of H.B. 1402 HD2, which includes all branches of state government and the Office of Hawaiian Affairs, extends beyond the authority of the Department of

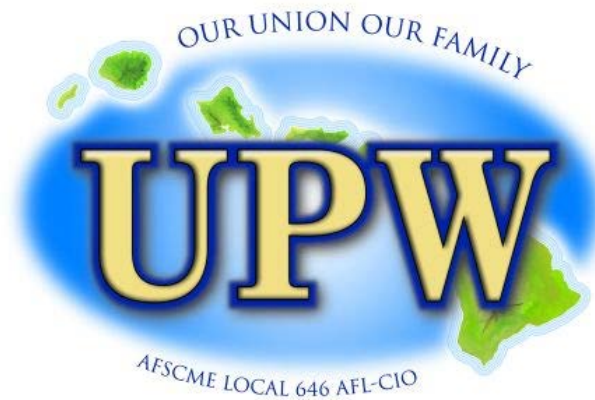
Human of Resources Development. The jurisdictional scope of the proposal requires assessment of existing policies and programs, for integration into the centralized system, prior to design an implementation. This process needs to be coordinated and agreed upon across all jurisdictions.

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 jurisdictions.

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 H.B. No. 1402 HD2 be held.

Thank you for the opportunity to provide testimony on H.B. No. 1402 HD2.



THE HAWAII STATE SENATE

The Twenty-Ninth Legislature
Regular Session of 2017

COMMITTEE ON JUDICIARY AND LABOR

Senator Gilbert J.C. Keith-Agaran Chair
Senator Karl Rhoads, Vice Chair

DATE OF HEARING: Tuesday, March 21, 2017
TIME OF HEARING: 9:30 a.m.
PLACE OF HEARING: State Capitol, Rm. 016
415 South Beretania Street

TESTIMONY ON HOUSE BILL 1402 HD1 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.

HB1402 HD2 Relating to Employees, establishes within the department of Human Resources Development a shared leave program to allow state employees to donate accumulated sick leave and vacation leave credits to a shared leave bank or directly 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.

The shared leave program in various forms has been implemented in Europe for many years. In the United States, many universities and colleges are also implementing the shared leave share program, including several states.

The UPW supports this measure and requests the committee to pass the bill out.

HB1402, HD2
Relating to Employees
Senate Committee on Judiciary and Labor
March 21, 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, or, according to statute in some cases accumulated sick leave. The state employee is not permitted to seek donated leave from fellow state employees across other departments or agencies.

As a suggestion, the committee may wish to consider adopting the contents of SB 207, SD2, which directly amends the leave-sharing program, as established in statute.

DHRD itself established the leave-sharing program in statute in 2000, through an administrative proposal. In 17 years, a tracking mechanism with technology-driven solutions towards harmonizing the leave-sharing program across departments should be administratively feasible. 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.

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. Indeed, 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

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for HB1402 on Mar 21, 2017 09:30AM
Date: Saturday, March 18, 2017 7:56:42 AM

HB1402

Submitted on: 3/18/2017

Testimony for JDL on Mar 21, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Golojuch	Individual	Support	No

Comments: I support HB1402. I am surprised that the State doesn't have leave sharing since the City and County of Honolulu has had it for years.

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Subject: *Submitted testimony for HB1402 on Mar 21, 2017 09:30AM*
Date: Friday, March 17, 2017 6:05:12 PM

HB1402

Submitted on: 3/17/2017

Testimony for JDL on Mar 21, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Mizusawa	Individual	Support	No

Comments:

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