

HB 2077

**RELATING TO
EMPLOYEE TRAINING**

A BILL FOR AN ACT

RELATING TO EMPLOYEE TRAINING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 76, Hawaii Revised Statutes, is amended
2 by adding two new sections to part I to be appropriately
3 designated and to read as follows:

4 "§76- Public employees training program; board;
5 executive director. (a) There is established the public
6 employees training program to be placed within the department of
7 human resources development for administrative purposes.

8 (b) The public employees training program shall be
9 governed by the board of the public employees training program.
10 The board shall consist of the following members:

11 (1) The executive director of the public employees
12 training program, who shall serve as the chair;
13 provided that in matters involving the selection and
14 appointment of an executive director, the executive
15 director shall serve as an ex officio, nonvoting
16 member and the member of the board appointed by the



1 governor pursuant to paragraph (6) shall serve as the
2 chair;

3 (2) The director of human resources development who shall
4 serve as an ex officio, nonvoting member;

5 (3) The director of labor and industrial relations who
6 shall serve as an ex officio, nonvoting member;

7 (4) The University of Hawaii system vice president of
8 community colleges;

9 (5) One representative from each exclusive representative
10 that represents state employees;

11 (6) One member appointed by the governor;

12 (7) One member appointed by the president of the senate;
13 and

14 (8) One member appointed by the speaker of the house of
15 representatives.

16 If a tie vote occurs, the vote of the chair shall count as two
17 votes. The members of the board shall serve without
18 compensation, but shall be reimbursed for travel and other
19 necessary expenses in the performance of their official duties.

20 (c) The board shall develop a plan for the creation and
21 development of training programs to improve and enhance state



1 employees' understanding of their job duties. Programs shall be
2 developed in the following order of priority:

- 3 (1) Orientation programs for new employees;
- 4 (2) Programs for entry-level employees and line
5 supervisors;
- 6 (3) Programs for the professional development of current
7 employees to assist employees in career advancement;
- 8 (4) Programs for the enhancement of workplace skills; and
- 9 (5) Other programs to assist in career advancement.

10 (d) The board of the public employees training program
11 shall appoint an executive director of the public employees
12 training program, who shall:

- 13 (1) Serve as the chief executive officer of the public
14 employees training program;
- 15 (2) Be responsible for administering orientation and
16 training programs for all state employees;
- 17 (3) Be a person who, by reason of education or extensive
18 experience, is generally recognized as being
19 professionally qualified in the administration of
20 state employee training programs;
- 21 (4) Be familiar with the people and cultures of Hawaii;



- 1 (5) Serve without regard to chapter 76; and
- 2 (6) Select necessary additional staff pursuant to chapter
- 3 76, within available appropriations.

4 §76-_____ Public employees training fund. (a) There is
5 established within the state treasury the public employees
6 training fund into which shall be deposited the following
7 moneys:

- 8 (1) Beginning August 1, 2018, an amount equal to one per
- 9 cent of the increase from the previous fiscal year of
- 10 the general fund appropriations for collective
- 11 bargaining cost items in the agreements negotiated
- 12 with the exclusive bargaining representative of each
- 13 collective bargaining unit;
- 14 (2) Appropriations by the legislature to the special fund;
- 15 and
- 16 (3) Gifts, donations, and grants from public agencies and
- 17 private persons.

18 All interest earned or accrued on moneys deposited in the fund
19 shall become part of the fund. The fund shall be administered
20 by the department of human resources development; provided that



1 the department may contract with a public or private agency to
2 provide the day-to-day management of the fund.


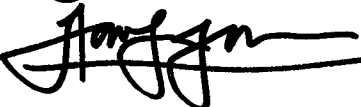

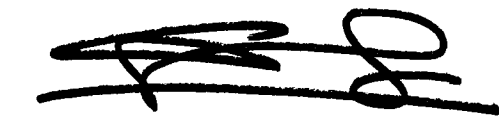

3 (b) Subject to legislative authorization, the executive
4 director of the public employees training program may expend the
5 moneys in the fund for the development and implementation of
6 training programs for state employees."

7 SECTION 2. New statutory material is underscored.

8 SECTION 3. This Act shall take effect on July 1, 2018.

9

INTRODUCED BY:

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H.B. NO. 2077

Report Title:

Public Employee Training; Collective Bargaining

Description:

Establishes the public employees training program to provide training to state employees. Allocates 1% of collective bargaining increases to the public employees training program.

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



A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 89-9, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:
3 "(d) Excluded from the subjects of negotiations are
4 matters of classification, reclassification, benefits of but not
5 contributions to the Hawaii employer-union health benefits trust
6 fund, recruitment, examination, initial pricing, and retirement
7 benefits except as provided in section 88-8(h). The employer
8 and the exclusive representative shall not agree to any proposal
9 which would be inconsistent with the merit principle or the
10 principle of equal pay for equal work pursuant to section 76-1
11 or which would interfere with the rights and obligations of a
12 public employer to:
13 (1) Direct employees;
14 (2) Determine qualifications, standards for work, and the
15 nature and contents of examinations;
16 (3) Hire, promote, transfer, assign, and retain employees
17 in positions;



- 1 (4) Suspend, demote, discharge, or take other disciplinary
2 action against employees for proper cause;
- 3 (5) Relieve an employee from duties because of lack of
4 work or other legitimate reason;
- 5 (6) Maintain efficiency and productivity, including
6 maximizing the use of advanced technology, in
7 government operations;
- 8 (7) Determine methods, means, and personnel by which the
9 employer's operations are to be conducted; and
- 10 (8) Take such actions as may be necessary to carry out the
11 missions of the employer in cases of emergencies.

12 This subsection shall not be used to invalidate provisions
13 of collective bargaining agreements in effect on and after June
14 30, 2007, and except as otherwise provided in this chapter,
15 shall not preclude negotiations over the implementation of
16 management decisions that affect terms and conditions of
17 employment that are subject to collective bargaining. Further,
18 this subsection shall not preclude negotiations over the
19 procedures and criteria on promotions, transfers, assignments,
20 demotions, layoffs, suspensions, terminations, discharges, or
21 other disciplinary actions as [~~a permissive subject~~] subjects of



1 bargaining during collective bargaining negotiations or
2 negotiations over a memorandum of agreement, memorandum of
3 understanding, or other supplemental agreement[~~-~~] but such
4 obligation does not compel either party to agree to a proposal
5 or make a concession.

6 Violations of the procedures and criteria so negotiated may
7 be subject to the grievance procedure in the collective
8 bargaining agreement."

9 SECTION 2. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Employment; Collective Bargaining; Scope of Negotiations

Description:

Provides that negotiations over the implementation of management decisions affecting terms and conditions of employment that are subject to collective bargaining are not precluded from collective bargaining negotiations. Also specifies that negotiations over the procedures and criteria of certain subjects of bargaining does not compel either party to agree to a proposal or make a concession. (HB2114 HD1 PROPOSED)

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



HB 2077

TESTIMONY

HB 2114

**LATE
TESTIMONY**



STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE

P.O. BOX 150
HONOLULU, HAWAII 96810-0150

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

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

WRITTEN ONLY
TESTIMONY BY LAUREL A. JOHNSTON
ACTING DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT
ON
HOUSE BILL NO. 2077

February 8, 2018
9:00 a.m.
Room 309

RELATING TO EMPLOYEE TRAINING

House Bill No. 2077 establishes the Public Employees Training Program and governing board within the Department of Human Resources Development for administrative purposes. The bill also establishes the Public Employees Training Fund.

As a matter of general policy, the Department of Budget and Finance does not support the creation of any special fund which does not meet the requirements of Section 37-52.3, HRS. Special funds should: 1) serve a need as demonstrated by the purpose, scope of work and an explanation why the program cannot be implemented successfully under the general fund appropriation process; 2) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries or a clear link between the program and the sources of revenue; 3) provide an appropriate means of financing for the program or activity; and 4) demonstrate the capacity to be financially self-sustaining.

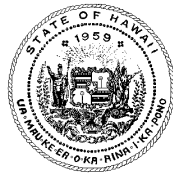
The bill proposes to earmark an amount equal to one per cent of the increase from the previous fiscal year of the general fund appropriations for collective bargaining cost items for deposit to the Public Employees Training Fund beginning August 1, 2018.

This amount would need to be appropriated; however, there is no appropriation and provision to facilitate the implementation of this measure.

Additionally, we note that if there are no general funds appropriated for collective bargaining cost items in a given year, there would be no amount earmarked in the subsequent year. As proposed, the fund would not have a source of revenue and would not be self-sustaining. It would therefore be more appropriate to fund training costs directly through general fund and other special fund appropriations.

Thank you for your consideration of our comments.

DAVID Y. IGE
GOVERNOR



RYKER WADA
INTERIM DIRECTOR

JASON MINAMI
DEPUTY DIRECTOR

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

February 6, 2018

TESTIMONY TO THE HOUSE COMMITTEES ON LABOR AND FINANCE
For Hearing on Thursday, February 8, 2018
9:00 a.m., House Conference Room 309

By

Ryker Wada
Interim Director

House Bill No. 2077
Relating to Public Employee Training

CHAIRPERSONS JOHANSON AND LUKE, VICE CHAIRS HOLT AND CULLEN AND
MEMBERS OF THE COMMITTEES

H.B. 2077 establishes the public employees training program to provide training to state employees.

The Department of Human Resources Development (DHRD) **supports the intent** of this measure with comments.

The Department of Human Resources Development's Training Office was re-established in May 2014. With continuing financial support from the legislature, with initial funding started in 2016 in less than (4) years, DHRD's Training Office has initiated and continues to build upon employee training programs for all employees of the Executive Branch. Our curriculum ranges in scope from New Hire Orientation, career and professional development, to pre-retirement planning. Our Training Office has taken a blended approach, authoring and facilitating a classroom-based curriculum of classes and launching a learning management system hosting approximately 1,000 on-demand offerings.

To determine the learning needs of the employees of the Executive Branch, our Training Office met with Human Resources Representatives from all departments and continues to analyze utilization of the trainings offered to ensure relevancy and effectiveness.

For the most part, these learning opportunities are offered at no cost to all employees of the Executive Branch. During the current Supplemental budget DHRD has requested \$110,000 to continue to support these initiatives. DHRD appreciates the intent of the current measure as we continue our efforts to invest in the development of our employees from the point of hire until retirement.

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



The Judiciary, State of Hawai'i

Testimony to the House Committee on Labor & Public Employment

Representative Aaron Ling Johanson, Chair

Representative Daniel Holt, Vice Chair

Thursday, February 8, 2018 9:00 AM

State Capitol, Conference Room 309

WRITTEN TESTIMONY ONLY

by

Dee Wakabayashi, Director

Judiciary Human Resources Department

Bill No. and Title: House Bill No. 2077, Relating to Employee Training.

Purpose: To establish the public employees training program to provide training to state employees. Allocates 1% of collective bargaining increases to the public employees training program.

Judiciary's Position:

The Judiciary supports this bill and respectfully requests representation on the board of the public employees training program.

Continuing education for state employees will afford them opportunities to maintain the knowledge, skills, and education necessary to ensure the highest standards of professional conduct and performance. Investment in training and developing state employees will potentially result in a highly skilled, technologically literate, and professional workforce.

For the Judiciary, statutory amendments, new case law, changes in administrative and court rules, and new developments in best practices, make training necessary to fulfill the Judiciary's objective of assuring an equitable and expeditious adjudication process. Training is also an important component of providing access to the courts.



House Bill No. 2077 Public Employee Training; Collective Bargaining
House Committee on Labor & Public Employment
Thursday, February 8, 2018 9:00 AM
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Continuing education programs should also provide opportunities to enhance supervisory, relational, and leadership skills to foster positive working environments, and develop in-house competencies for succession and career enhancement purposes.

Ongoing program development and training curricula must be relevant, current, and practical. Employees should also be encouraged to keep apprised of innovations within their respective fields. The creation of new training programs and enhancement of existing programs intended to meet the diverse needs of the workforce will facilitate the State's goal to develop highly skilled employees.

As the Judiciary fully supports the intent of this measure, it also requests representation on the board of the public employees training program. The composition of the board, as listed in the bill, includes representation from or appointments by the executive and legislative branches, as well as members from the University of Hawaii system and employee unions. It does not provide for representation or an appointment by the judicial branch. Adding a member from the Judiciary will create a well-rounded board and provide feedback from all branches of government.

Thank you for the opportunity to testify on this measure.

HB 2077

**LATE
TESTIMONY**



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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

LATE

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

Testimony by
Hawaii Government Employees Association

February 8, 2018

H.B. 2077 – RELATING TO EMPLOYEE TRAINING

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO conceptually supports the intent of H.B. 2077 which adds a new section to Ch. 76, Hawaii Revised Statutes to establish the public employees training program and allocates the equivalence of 1% of collective bargaining increases of the general fund appropriation to the public employees training fund.

The projected number of eligible retirees within state government is staggering and will have a dramatic impact on services, therefore steps must be taken now to better prepare and train the next generation of employees. H.B. 2077 creates an employee training program that prioritizes orientation programs for new employees, entry-level and line supervisors, and professional development for career advancement. Implementation of these programs will ensure consistent training opportunities for all state workers, regardless of an employee's position or department. We strongly support dedicating more resources and opportunities to the state's most valuable asset – its employees.

Thank you for the opportunity to testify in support of the measure.

Respectfully submitted,

Randy Perreira
Executive Director