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**STATE OF HAWAII**  
**DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT**  
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January 31, 2018

TESTIMONY TO THE  
SENATE COMMITTEE ON LABOR  
AND COMMITTEE ON ECONOMIC DEVELOPMENT, TOURISM, AND TECHNOLOGY

For Hearing on Friday, February 2, 2018  
1:25 p.m., Conference Room 414

By

RYKER WADA  
INTERIM DIRECTOR

**Senate Bill No. 2397**  
**Relating to Telecommuting**

**WRITTEN TESTIMONY ONLY**

CHAIRPERSONS TOKUDA AND WAKAI, VICE CHAIRS ENGLISH AND TANIGUCHI AND MEMBERS OF THE SENATE COMMITTEE ON LABOR AND COMMITTEE ON ECONOMIC DEVELOPMENT, TOURISM, AND TECHNOLOGY:

The Department of Human Resources Development (“DHRD”) appreciates the intent of S.B. 2397, but has **comments** on this measure. This bill establishes a temporary telecommuting task force in DHRD, and naming the director or the director’s designee as the chairperson, to develop incentives and recommendations to encourage and expand telecommuting opportunities in the public and private sectors.

DHRD’s scope of authority is to administer human resources programs for only the State’s Executive Branch workforce and does not have jurisdiction over private sector employers or other branches of government. As such, there may be a more appropriate department(s) to oversee the task force.

Also, the establishment of this temporary task force may be duplicative. The Broadband Assistance Advisory Council (BAAC), which was convened as a result of Act 199, SLH 2010, as amended by Act 23, SLH 2016, advises the DCCA Director on, among other things, “policy and funding priorities to promote and encourage use of telework alternatives for public and private employees” and to expedite deployment of affordable and accessible broadband services in Hawaii.

Furthermore, in the current draft, there is no provision for funding or positions for DHRD to provide administrative support to the task force, which would include researching other jurisdictions telework policies and providing materials to the task for their review and analysis.

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

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Director

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LEGISLATIVE REFERENCE BUREAU  
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## Written Comments

### **SB2397**

### **RELATING TO TELECOMMUTING**

Testimony by the Legislative Reference Bureau  
Charlotte A. Carter-Yamauchi, Director

Presented to the Senate Committees on Labor and Economic Development, Tourism, and  
Technology

Friday, February 2, 2018, 1:25 p.m.  
Conference Room 414

Chairs Tokuda and Wakai and Members of the Committees:

Good afternoon Chairs Tokuda and Wakai members of the Committees, my name is Charlotte Carter-Yamauchi and I am the Director of the Legislative Reference Bureau. Thank you for providing the opportunity to submit written comments on S.B. No. 2397, Relating to Telecommuting.

The purpose of this measure is to establish a temporary telecommuting task force that is administratively attached to the Department of Human Resources Development to develop incentives and recommendations to, among other things, encourage and expand telecommuting opportunities in the public and private sectors.

The measure also requires the Legislative Reference Bureau to assist the telecommuting task force in finalizing the report and drafting any proposed legislation.

The Bureau takes no position on the merits of this measure, but submits the following comments for your consideration.

As a general matter, we note that the task force established in this measure contains no members of the Legislature and will be administratively attached to an executive branch agency. The Bureau is statutorily directed to use its resources and services to assist the Legislature and its members, unless otherwise directed by the Legislature.

Accordingly, we have some concerns with how the measure is currently drafted with respect to the work requested of the Bureau. The language of the measure requires the

Bureau to take on the responsibility of providing report editing and drafting services, even though the task force is administratively housed within an executive department. We note that the Task Force is largely made up of representatives from public entities that have vast resources compared to the Bureau and, as such, could easily provide the necessary editing and drafting responsibilities.

We note that the Task Force's report is due to the Legislature no later than August 1, 2019. If the Committee decides to recommend the passage of this measure and desires to keep the Bureau involved, we respectfully request that the measure is amended to require that a draft report and any request for proposed legislation be submitted to the Bureau no later than June 30, 2019, to ensure that the Bureau has sufficient time to complete its work on that report without adversely impacting our ability to provide our core services to the Legislature.

If the measure is amended to address the concerns noted above and the Committee decides to have the Bureau assist with finalizing the report and proposed legislation, the Bureau believes that the services requested under the measure would be manageable and that the Bureau will be able to provide the services in the time allotted; provided that the Bureau's interim workload is not adversely impacted by too many other studies or additional responsibilities, such as conducting, writing, or finalizing other reports, drafting legislation, or both, for other state agencies, task forces, or working groups that may be requested or required under other legislative measures.

Thank you again for your consideration.



Senate Committees on Labor and Economic Development, Tourism, and Technology  
Chair Jill Tokuda, Chair Wakai

02/02/2018 1:25 PM Room 414  
SB2397 – Relating to Telecommuting

TESTIMONY / COMMENTS  
Corie Tanida, Executive Director, Common Cause Hawaii

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Dear Chair Tokuda, Chair Wakai, and members of the committees:

**Common Cause Hawaii offers comments on SB2397** which would establish a temporary telecommuting task force.

We have no position on telecommuting. However, we are concerned that the task force, created by this bill, will not be subject to our Sunshine Laws. As OIP states on its website, the law is “intended to open up governmental processes to public scrutiny and participation by requiring government business to be conducted as transparently as possible.”<sup>1</sup> We do not understand the reasoning for this exemption as it would curtail public participation, and urge you to subject this committee to the Sunshine Law (HRS Ch 92).

Thank you for the opportunity to offer testimony **on SB2397**.

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<sup>1</sup> <http://oip.hawaii.gov/>