



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/03/2020

Time: 03:15 PM

Location: 229

Committee: Senate Higher Education
Senate Education

Department: Education

Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education

Title of Bill: SB 3179 RELATING TO SECURITY PERSONNEL.

Purpose of Bill: Exempts department of education and University of Hawaii security personnel from duplicative requirements addressed by civil service standards.

Department's Position:

The Department of Education (Department) supports SB 3179.

SB 3179 seeks to exempt the Department and University of Hawaii security personnel from duplicative requirements addressed by civil service standards.

There are two classes of work in the Department as it relates to security personnel: 1) School Security Attendant and 2) School Safety and Security Office. For both positions, registration as a guard with the State of Hawaii Board of Private Detectives and Guards is required pursuant to Section 463-10.5, Hawaii Revised Statutes.

The safety and well-being of all public school students and employees are of paramount importance. The Department appreciates the rigorous standards set forth in statute to ensure student safety. However, we believe that our security positions do not operate in the same capacity and level as guard positions that exist in the private sector. In addition, the Department already conducts its own background checks on all employees and fingerprinting of all school-level hires, which include those considered for School Security Attendant and School Safety and Security Officer positions.

Filling these positions is challenging given Hawaii's high cost of living and historically low unemployment rate. We believe that exempting the Department from Section 463-10.5 will provide the Department greater flexibility in finding qualified applicants to

fill these critical safety positions at our schools statewide.

Thank you for the opportunity to submit testimony on SB 3179.

The Hawai'i State Department of Education is committed to delivering on our promises to students, providing an equitable, excellent, and innovative learning environment in every school to engage and elevate our communities. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committee on Higher Education
And

Senate Committee on Education
February 3, 2020 at 3:15 p.m.

By

Jan Gouveia, Vice President for Administration
University of Hawai'i System

SB 3179 – RELATING TO SECURITY PERSONNEL

Chairs Kim and Kidani and members of the committees:

Thank you for the opportunity to submit testimony in support of SB 3179, which amends subsection (a) of section 463-10.5, Hawai'i Revised Statutes (HRS), to exempt University of Hawai'i (University) security personnel from the requirements of this section.

Currently, there are 159 University Security Officer (USO) positions throughout the University's 10 campuses and the University hires approximately 15 USOs each year. As the University has its own requirements to selectively employ its own security personnel at a high standard, imposing the additional requirements of HRS section 463-10.5(a) on the University's hiring process does not improve the quality of security personnel candidates and in fact impedes the University's ability to recruit high caliber security personnel in an efficient and timely manner by reducing the applicant pool. By exempting the University from the requirements of HRS section 463-10.5(a), the University will have the flexibility to add or remove this requirement as needed to hire the most qualified candidate for any given position.

For these reasons, we respectfully submit this testimony in strong support of SB 3179.

Thank you for the opportunity to testify.

DAVID Y. IGE
GOVERNOR



RYKER WADA
DIRECTOR

ANDREW T. GARRETT
DEPUTY DIRECTOR

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

January 31, 2020

TESTIMONY TO THE
SENATE COMMITTEE ON EDUCATION
AND COMMITTEE ON HIGHER EDUCATION

For Hearing on February 3, 2020
3:15 p.m., Conference Room 229

BY

RYKER WADA
DIRECTOR

Senate Bill No. 3179
RELATING TO SECURITY PERSONNEL

WRITTEN TESTIMONY ONLY

TO CHAIRPERSONS KIDANI AND KIM, AND MEMBERS OF THE COMMITTEES:

Thank you for the opportunity to provide **comments** on S.B. 3179.

S.B. 3179 proposes to amend HRS, §463-10.5, by providing that for the purposes of the subsection the term “guard” does not include any person directly employed as security personnel by the department of education or the University of Hawaii pursuant to chapters 76 and 78.

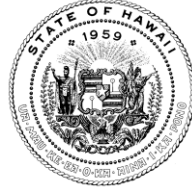
Pursuant to HRS, §463-3, the Board of Private Detectives and Guards (Board) is responsible for the qualifications and licensing of private detectives and guards. The Department of Human Resources Development (HRD) establishes minimum qualification requirements for civil service classes or work by setting the minimum experience, education, licensing and other requirements that would provide the

knowledge and abilities necessary to perform the duties and responsibilities of a class of work.

Act 208, SLH 2010 established registration and licensure requirements, including training, instruction, and continuing education for guards and individuals acting in a guard capacity subjecting guards to meaningful oversight and regulation in the best interest of the guard industry as well as public safety.

With the enactment of Act 208, SLH 2010, HRD sought clarification from the Board regarding the impact of Act 208 on various State classes of work. The Board determined that the following job classifications are subject to Act 208 and HRS chapter 463: Security Attendant, Security Officer, University Security Officer, Parking and Security Officer, and Parking and Security Supervisor. HRD amended the minimum qualification requirements for the affected classes to comply with statutory requirements.

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



DAVID Y. IGE
GOVERNOR

JOSH GREEN
LT. GOVERNOR

**STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

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CATHERINE P. AWAKUNI COLÓN
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

Testimony of the Department of Commerce and Consumer Affairs

**Before the
Senate Committee on Education
and
Senate Committee on Higher Education
Monday February 3, 2020
3:15 p.m.
State Capitol, Conference Room 229**

**On the following measure:
S.B. 3179, RELATING TO SECURITY PERSONNEL**

Chair Kidani, Chair Kim, and Members of the Committees:

My name is Esther Brown, and I am the Complaints and Enforcement Officer of the Department of Commerce and Consumer Affairs' (Department) Regulated Industries Complaints Office. (RICO). RICO offers comments relating to the enforceability of this bill should it become law.

This bill amends Hawaii Revised Statutes (HRS) section 463-10.5(a) to exclude any person directly employed as security personnel by the Department of Education or the University of Hawaii from the definition of "guard," and thereby exempt this type of personnel from "duplicative requirements by civil service standards."

From an enforcement standpoint, it is not clear whether this bill seeks to exclude this personnel from: (1) only the registration requirements of listed in HRS section 465-10.5(a), by presuming that the standards in HRS chapter 76 (Civil Service Law) and

HRS chapter 78 (Public Service) serve as a functional equivalent; or (2) the licensure requirement of HRS chapter 463.

If this bill intends to exclude this personnel from the licensure requirement of HRS chapter 463, RICO suggests including this exemption in HRS section 463-1 (Definitions) or HRS section 463-13 (Exemptions), as demonstrated here:

If amending HRS section 463-1:

“Guard” means a registered uniformed or nonuniformed person responsible for the safekeeping of a client’s properties and persons within contractually prescribed boundaries, and for observation and reporting relative to such safekeeping. “Guard” shall not include any active duty federal, state, or county law enforcement officers or personnel~~[-]~~ or any person directly employed as security personnel by the department of education or the University of Hawaii pursuant to chapter 76 or 78.

If amending HRS section 463-13:

This chapter does not apply to any person, firm, company, partnership, or corporation or any bureau or agency whose business is exclusively the furnishing of information as to the business and financial standing and credit responsibility of persons, firms, or corporations, or as to personal habits and financial responsibility, of applicants for insurance, indemnity bonds, or commercial credit, ~~[or]~~ an attorney-at-law in performing the attorney's duties as such attorney-at-law~~[-]~~ , or any person directly employed as security personnel by the department of education or the University of Hawaii pursuant to chapter 76 or 78.

Incorporating the above language into either HRS section 463-1 or section 463-13 would provide clear notice that this personnel is not subject to any and all licensure requirements, including all underlying registration standards. If, however, the bill intends to substitute the current provisions of HRS section 463-10.5(a) with the presumption that membership in HRS chapter 76 or 78 fulfills

those standards, then RICO suggests amending the language to provide better notice to affected individuals and to aid enforcement, should the Legislature enact this measure into law.

Thank you for the opportunity to testify on this bill.

Testimony of the Board of Private Detectives and Guards

**Before the
Senate Committee on Education
and
Senate Committee on Higher Education**

**Monday, February 3, 2020
3:15 p.m.
State Capitol, Conference Room 229**

**On the following measure:
S.B. 3179, RELATING TO SECURITY PERSONNEL**

Chair Kidani, Chair Kim, and Members of the Committees:

My name is Gregory Zambrano, and I am the Executive Officer of the Hawaii Board of Private Detectives and Guards (Board). The Board will review this bill at its next publicly noticed meeting in February.

The purpose of this bill is to exempt the Department of Education and the University of Hawaii security personnel from duplicative requirements addressed by civil service standards.

Thank you for the opportunity to testify on this bill.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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

LATE

The Thirtieth Legislature, State of Hawaii
The Senate
Committee on Education
Committee on Higher Education

Testimony by
Hawaii Government Employees Association

February 3, 2020

S.B. 3179 — RELATING TO SECURITY PERSONNEL

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports intent of S.B. 3179, which exempts Department of Education and University of Hawaii security personnel from duplicative requirements addressed by civil service standards, **with a proposed amendment.**

Our organization represents over 400 security personnel who are currently required to be registered and licensed by the Board of Private Detectives and Guards. The majority of these employees are employed within the Department of Education and the University of Hawaii, as cited in this measure, however we also represent security personnel in the Department of Transportation, Department of Labor and Industrial Relations, Department of Accounting and General Services, as well as county Parks & Recreation, Board of Water Supply, Enterprise Services, and Facility Maintenance Departments. **For consistency and equality, we propose the scope of the exemption be expanded to include all state and county security personnel pursuant to chapters 76 and 78.**

Eliminating the duplicative requirements for security personnel in Ch. 463, Hawaii Revised Statutes will aid in the recruitment and retention of these hard-to-fill positions. Thank you for the opportunity to testify on S.B. 3179, with a proposed amendment to expand the exemption for all state and county security personnel.

Respectfully submitted,

Randy Perreira
Executive Director