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Statement of
MARY ALICE EVANS
Director, Office of Planning
before the
**SENATE COMMITTEES ON GOVERNMENT OPERATIONS AND LABOR,
CULTURE, AND THE ARTS**
Thursday, March 25, 2021
3:00 PM
State Capitol, Conference Room via Videoconference

in consideration of
SCR 222/SR 182

Chairs Morikawa and Taniguchi, Vice Chairs Dela Cruz and Ihara, and Members of the Committee on Government Operations and the Committee on Labor, Culture, and the Arts.

The Office of Planning (OP) offers **comments** on SCR 222/SR 182 that urges the Legislative Reference Bureau to conduct a study on the best practices for telework and alternative work schedules, including policies, guidelines, standards, and procedures, and to report its findings and recommendations prior to the Regular Session of 2022.

We wish to inform you that OP is undertaking a project known as **Work Where You Live**, in coordination with the State Department of Human Resources Development (DHRD), Office of Enterprise Technology Services (ETS), as well as jointly with the City and County of Honolulu's Departments of Transportation Services (DTS), Human Resources, and Information Technology. The purpose of the project is to survey State and City workers on Oahu on their current teleworking experience and to develop recommendations to improve State and City telework policies. The project will also review telecommuting and telework best practices from other governmental jurisdictions that may be implemented in Hawaii. Funding has been provided from the City DTS with approval of the Oahu Metropolitan Planning Organization. The project has gotten underway this month and should be completed by Fall of this year.

The implementation of an effective telework policy would enhance the recruitment and retention of employees, including helping to relieve the burden on employees who are caregivers, assist efforts to reduce commute times, vehicle miles traveled, traffic congestion, office space needs, and improve quality of life. There is also a potential long-term impact on transportation infrastructure costs and reducing greenhouse gas emissions.

Thank you for the opportunity to testify.

Charlotte A. Carter-Yamauchi
Director

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LEGISLATIVE REFERENCE BUREAU
State of Hawaii
State Capitol, Room 446
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Written Comments

SCR222

URGING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE BEST PRACTICES FOR TELEWORK AND ALTERNATIVE WORK SCHEDULES, INCLUDING POLICIES, GUIDELINES, STANDARDS, AND PROCEDURES, TO BE ADOPTED AND IMPLEMENTED BY GOVERNMENT EXECUTIVE AGENCIES, BUSINESSES, AND NONPROFIT ORGANIZATIONS IN HAWAII

Charlotte A. Carter-Yamauchi, Director
Legislative Reference Bureau

Presented to the Senate Committees on Government Operations and Labor;
and Culture and the Arts

Thursday, March 25, 2021, 3:00 p.m.
Conference Room 016 & via Videoconference

Chairs Moriwaki and Taniguchi and Members of the Committees:

I am Charlotte Carter-Yamauchi, Director of the Legislative Reference Bureau (LRB). Thank you for this opportunity to provide written **comments** on S.C.R. 222, Urging the Legislative Reference Bureau to Conduct a Study on the Best Practices for Telework and Alternative Work Schedules, Including Policies, Guidelines, Standards, and Procedures, to be Adopted and Implemented by Government Executive Agencies, Businesses, and Nonprofit Organizations in Hawaii.

As stated in the title, the purpose of this measure is to urge the Legislative Reference Bureau to conduct a study on the best practices for telework and alternative work schedules for government agencies, businesses, and nonprofit organizations in the State. The measure also urges the Bureau to submit a report on its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2022, and urges each state and county executive agency, and encourages each business and nonprofit organization in the State, to adopt and implement

the Bureau's recommended telework and alternative work policies, guidelines, standards, and procedures.

Specifically, the measure requests that the study include the following:

- (1) Recommendations on best practices for successful implementation and operation of telework programs and alternative work schedules;
- (2) Identification of the categories of employees and positions that are suitable for telework or an alternative work schedule;
- (3) Identification of the categories of employees and positions that are unsuitable for telework or an alternative work schedule;
- (4) Identification of any reasons for which a telework program or an alternative work schedule may be made available to employees;
- (5) An analysis of the feasibility of allowing employees who act as a caregiver for a household member to telework or use an alternative work schedule;
- (6) Identification of suitable telework locations and recommendations for infrastructure and safety measures at the identified telework locations, including recommendations on:
 - (A) The provision of necessary electronic equipment and access information to an employee by an employer; and
 - (B) The means by which employers and employees may secure the safety of electronic equipment and confidential information;
- (7) Identification of the impacts of teleworking on the use of state information technology assets;
- (8) Recommendations for incentive programs to encourage the use of telework and alternative work schedules; and
- (9) Recommendations for annual percentage targets for the number of positions and employees to be made eligible for telework or an alternative work schedule.

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

The Bureau has serious concerns with respect to the work being requested of the Bureau under this measure, as discussed below.

As currently drafted, the measure requests the Bureau to identify, and develop recommendations on, some very specific aspects of public and private sector teleworking paradigms. In reviewing these individual aspects with an eye to scoping a potential study topic, the Bureau feels it is ill-equipped to provide such detailed recommendations and other information on what may be very technically complex or labor-intensive subjects within the time provided.

The Bureau does not retain subject matter experts in the fields of telecommunications, employment practices, or collective bargaining, nor does it possess an inherent comprehensive knowledge of the myriad position classifications and job responsibilities of the estimated 540,000+ individuals currently employed in the State's labor force. Consequently, the Bureau would have to contract the services of such experts and do so by drafting a Request for Proposals on this project and executing a contract that is subject to the State Procurement Code. In all likelihood, we would not be able to complete the contracting process, much less the study itself, within the limited timeframe provided for in this measure. Accordingly, we would need an exemption from the procurement code requirements, additional time in which to complete the study, or both. **Moreover, the Bureau's annual operating budget does not contain funds for the contracting of study services, and thus a specific amount of funds for the purposes of this measure would need to be appropriated.**

The Bureau notes that, since 2010, the statutory responsibility to promote and encourage use of telework alternatives for public and private employees, including appropriate policy and legislative initiatives, has rested with the Director of Commerce and Consumer Affairs pursuant to section 440G-11.5, Hawaii Revised Statutes. Moreover, section 440G-11.5(a)(2), states that the Director of Commerce and Consumer Affairs (DCCA) shall ". . . [a]dvise and assist state agencies, and upon request of the counties, advise and assist the counties, in *planning, developing, and administering programs, projects, plans, policies, and other activities to promote telecommuting by employees of state and county agencies*". The full text of that section is attached for your convenience.

For the Committees' information, the annual reports required under section 440G-11.5(b), HRS, that detail the DCCA's efforts to use broadband and its products and services to develop and expand telework initiatives, including telework participation levels and trends of both private and public sector employees in Hawaii, are filed with the Bureau's Library and are available for your review at <https://lrb.hawaii.gov/>, with the most recent report's Call Number being [TK5103.4 H33 2020](#).

Moreover, the study requested of the Bureau would be an inefficient use of resources as the study is duplicative with S.B. No. 830, S.D. 2, and the current "Work Where You Live" project. According to the Office of Planning and Department of Human Resources Development's respective testimonies in support of S.B. No. 830, S.D. 2, the Office of Planning; Department of Human Resources Development; Office of Enterprise Technology

Services; and the City and County of Honolulu's Departments of Transportation Services, Human Resources, and Information Technology are already undertaking a project known as "Work Where You Live." The purpose of the project is to survey State and City workers on Oahu on their current teleworking experience and to develop recommendations to improve State and City telework policies. The project also will include a review of telecommuting and telework best practices from other governmental jurisdictions that may be implemented in Hawaii. Funding for the project has already been provided from the City Department of Transportation Services with approval of the Oahu Metropolitan Planning Organization. The project is currently underway and is expected to be completed by fall of this year.

Accordingly, given that the research and analysis requested of the Bureau by this measure is already being conducted by other, more qualified agencies, the Bureau respectfully requests that the Committee defer this measure.

Thank you again for the opportunity to submit written comments.

§440G-11.5 Other duties of the director; broadband services. (a) In conjunction with broadband services, the director shall:

(1) Promote and encourage use of telework alternatives for public and private employees, including appropriate policy and legislative initiatives;

(2) Advise and assist state agencies, and upon request of the counties, advise and assist the counties, in planning, developing, and administering programs, projects, plans, policies, and other activities to promote telecommuting by employees of state and county agencies;

(3) Support the efforts of both public and private entities in Hawaii to enhance or facilitate the deployment of, and access to, competitively priced, advanced electronic communications services, including broadband and its products and services and internet access services of general application throughout Hawaii;

(4) Make recommendations to establish affordable, accessible broadband services to unserved and underserved areas of Hawaii and monitor advancements in communications that will facilitate this goal;

(5) Advocate for, and facilitate the development and deployment of, expanded broadband applications, programs, and services, including telework, telehealth, and e-learning, that will bolster the usage of and demand for broadband level telecommunications;

(6) Serve as a broadband information and applications clearinghouse for the State and a coordination point for federal American Recovery and Reinvestment Act of 2009 broadband-related services and programs; and

(7) Promote, advocate, and facilitate the implementation of the findings and recommendations of the Hawaii broadband task force established by Act 2, First Special Session Laws of Hawaii 2007.

[(b)] The director shall submit an annual report to the legislature, no later than twenty days prior to the convening of each regular session, on the department's efforts to use broadband and its products and services to develop and expand telework initiatives, including telework participation levels and trends of both private and public sector employees in Hawaii.

[(c)] The department of commerce and consumer affairs shall report annually to the legislature, no later than twenty days prior to the convening of each regular session, on the receipt and expenditure of federal moneys from the American Recovery and Reinvestment Act of 2009, and moneys from other federal appropriation measures or applicable federal acts, for the purposes of purchasing broadband facilities, services, or equipment or for entering into contracts for broadband-related projects by all state agencies for all state agencies approval.

[(d)] Pursuant to [section] 440G-12(d), the director may appoint and employ engineers, accountants, attorneys, and professional, clerical, stenographic, or other assistants, as required, with or without regard to chapter 76. [L 2010, c 199, §§2, 5; am L 2014, c 159, §6]

Note

The following Notes supersede the Notes at this section on page 127 of the main volume:

Telework promotion; broadband assistance advisory council; establishment; purpose. L 2010, c 199, §3; L 2011, c 151, §5; L 2016, c 23, §2.

Installation or development relating to broadband service or broadband technology infrastructure; exemption from certain permitting requirements (beginning January 1, 2012); use of utility poles to install new telecommunications cables, upgrade or replacement not required. L 2011, c 151, §2; L 2013, c 264, §3 (applicable to permit applications filed after December 31, 2013); L 2016, c 193.

Revision Note

Subsection (c) is codified to this section pursuant to §23G-15.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

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

The Thirty-First Legislature, State of Hawaii
The Senate
Committee on Government Operations
Committee on Labor, Culture and the Arts

Testimony by
Hawaii Government Employees Association
March 25, 2021

**S.C.R. 222/S.R. 182 – URGING THE LEGISLATIVE REFERENCE BUREAU TO
CONDUCT A STUDY ON THE BEST PRACTICES FOR TELEWORK**

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the concept of telework for willing and able state employees **and provides comments and proposed amendments on the intent of S.C.R. 222 and S.R. 182** which urges the Legislative Reference Bureau to conduct a study on the best practices for telework and alternative work schedules, including policies, guidelines, standards, and procedures, to be adopted and implemented by government executive agencies, businesses, and non-profit organizations. **We continue to stress to the Legislature that since telework and alternative schedules significantly impact an employee's condition of employment, the terms must be negotiated and mutually agreed upon.**

First and foremost, we are actively engaging the Employer to update and enhance our existing telework agreements, therefore inclusion of the local government workforce who are represented by our collective bargaining agreements into this resolution is unnecessary. As we have consistently stated, telework and alternative work schedules are innovative solutions that ensure workplace flexibility and we fully recognize the many benefits they can have on employees, the employer, and the public, including a better work-life balance, increased productivity, and possible cost-savings from reduced energy and office space use. Workplace flexibility can also be utilized as a tool to help the employer recruit and retain the best and brightest employees, where government salary and benefits alone may not compete with what's offered in the private sector.

Although we understand the intent of the resolution is to urge the Legislative Reference Bureau (LRB) to conduct a study on the best practices for telework and alternative work schedules, we must continue to reiterate that any changes to an included bargaining unit employee's wages, hours, and terms and conditions of work are constitutionally protected and must be negotiated and mutually agreed upon prior to implementation. Regardless of LRB's study, policies, guidelines, standards, and procedures, the Employer and the Exclusive Representative must mutually agree upon the provisions of any telework or alternative work week agreement. **Therefore, we respectfully request the following six (6) amendments to S.C.R. 222 and S.R. 182:**

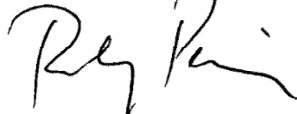
1. the modification to the title and applicable "whereas" and "resolved" clauses to read and reflect the following intent:

“Urging the Legislative Reference Bureau to conduct a study on the best practices for telework and alternative work schedules, including policies, guidelines, standards, and procedures, to be ~~[adopted and implemented by]~~ shared with government executive agencies, businesses, and non-profit organizations”

2. the insertion of a new “whereas” clause be inserted on page 2, line 33 to ensure clarity and consistency on the negotiations process between local government and Exclusive Representatives:
“Whereas, the legislature further finds that telework and alternative work week schedules affect government employees’ wages, hours, and terms and conditions of work and are constitutionally protected, therefore subject to mandatory collective bargaining negotiations and mutual agreement between the employer and the exclusive representative; now therefore ...”
3. the deletion of (5) on page 4, lines 1 and 2 which deals exclusively with the use of state information technology assets
4. the addition of language to the “resolved” clause on page 4, lines 16 – 19 to clarify that should the LRB report include proposed legislation, that public sector bargaining unit employees be excluded from any legislation or legislative mandate due to the negotiability of telework and alternative work week schedules
5. the uniformity between the two “resolved” clause on page 4, lines 25 – 29 and 31 – 35 so that it is clear the intent of the resolution is to encourage the development and implementation of telework for all employees in the state and not separate government employees from the private and non-profit sectors
6. the inclusion of additional parties who will receive certified copies of the Concurrent Resolution such as the Hawaii Employers Council, the Chamber of Commerce of Hawaii, the Society for Human Resources Management (SHRM) Hawaii, the Hawaii Alliance of Non-Profit Organizations, and all non-profit organizations who have sought Grant-in-Aid funding from the state for the past 5 years, in addition to the government agencies listed

Thank you for the opportunity to testify on S.C.R. 222 and S.R. 182.

Respectfully submitted,



Randy Perreira, Executive Director



Chamber of Commerce HAWAII

The Voice of Business

**Testimony to the Senate Committee on Government Operations and
Senate Committee on Labor, Culture, and the Arts
Thursday, March 25, 2021 at 3:00 P.M.
Written Testimony**

**RE: SCR 222 / SR 182, URGING THE LEGISLATIVE REFERENCE BUREAU TO
CONDUCT A STUDY ON THE BEST PRACTICES FOR TELEWORK AND ALTERNATIVE
WORK SCHEDULES, INCLUDING POLICIES, GUIDELINES, STANDARDS, AND
PROCEDURES, TO BE ADOPTED AND IMPLEMENTED BY GOVERNMENT
EXECUTIVE AGENCIES, BUSINESSES, AND NONPROFIT ORGANIZATIONS IN
HAWAII.**

Chairs Morikawa and Taniguchi, Vice-Chairs Dela Cruz and Ihara, Jr., and Members of the Committees:

The Chamber of Commerce Hawaii ("The Chamber") **supports the intent** of SCR 222 and SR 182.

The Chamber is Hawaii's leading statewide business advocacy organization, representing 2,000+ businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

Hawaii has seen a rise in the number of remote workers due to the COVID-19 pandemic. Concrete studies have yet to be conducted, we do know that about 90,000 people applied for the first 50 spots in the Movers and Shakas program to recruit and nurture talented professionals to diversify our economy and re-build resilience into our community. The demand is not only to leverage opportunities to work in Hawaii but also leverage talent, increase tax base, and to diversity the workforce.

Challenges bring opportunities and as we go forward, we would not be surprised if businesses retain a kind of hybrid/blended model by combining the best of both worlds to increase customer service, productivity, and innovation.

For these reasons, we support the intent of these resolutions.

Thank you for the opportunity to provide testimony.

LATE

SCR-222

Submitted on: 3/25/2021 7:38:39 AM
Testimony for GVO on 3/25/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nikki-Ann Yee	Testifying for Ma'i Movement Hawai'i	Support	No

Comments:

Ma'i Movement Hawai'i supports the intent of [SCR222](#) / [SR182](#) .

LATE

SCR-222

Submitted on: 3/24/2021 4:41:12 PM

Testimony for GVO on 3/25/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ann S Freed	Individual	Support	No

Comments:

Strong support for this resolution. Please pass