

Honolulu, Hawaii

FEB 18 2022RE: S.B. No. 3106
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committees on Labor, Culture and the Arts and Human Services, to which was referred S.B. No. 3106 entitled:

"A BILL FOR AN ACT RELATING TO EXEMPTIONS FROM CIVIL SERVICE FOR POSITIONS IN THE DEPARTMENT OF HUMAN SERVICES,"

beg leave to report as follows:

The purpose and intent of this measure is to permanently exempt from provisions of civil service the following positions in the Department of Human Services: Information Technology Implementation Manager; Assistant Information Technology Implementation Manager; Resource Manager; Community/Project Development Director; Policy Director; Special Assistant to the Director; Limited English Proficiency Project Manager/Coordinator; and Business Technology Analyst.

Your Committees received testimony in support of this measure from the Department of Human Services. Your Committees received testimony in opposition to this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO.

Your Committees find that the Department of Human Services has one of the largest operating budgets of any state department and an equally large staff. Your Committees also find that the complexity and magnitude of benefits and services that the Department of Human Services is responsible for delivering to state residents requires the ability to attract and retain



qualified, experienced, and innovative individuals with the requisite subject matter expertise to transform the Department into an efficient and performance based entity. The positions exempted by this measure are required to lead and manage the Department's programs effectively. The positions are instrumental to improving access to and the quality of services, improving working conditions at the Department to recruit and retain the workforce, improving and standardizing procurement and other administrative processes, responding to legislative changes, establishing and maintaining clear communication, and facilitating collaborative relationships with recipients, policymakers, other departments and branches of government, and community partners and members.

Your Committees note the concerns raised by the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO, that these positions should not be exempt from civil service as they do not meet the criteria of state law governing exemptions from civil service.

Your Committees also note that section 76-16, Hawaii Revised Statutes, which sets forth numerous positions that are exempt from civil service, is becoming extremely lengthy. Your Committees believe that there should be a different way to exempt positions from civil service without adding new positions to the statute year after year. Your Committees further note that a full review of positions exempted under existing law should be conducted in the near future.

Accordingly, your Committees have amended this measure by:

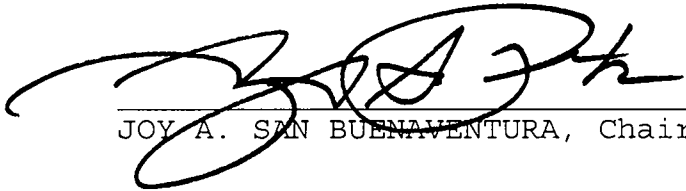
- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3106, as amended herein, and recommend that it pass Second Reading in the form attached hereto

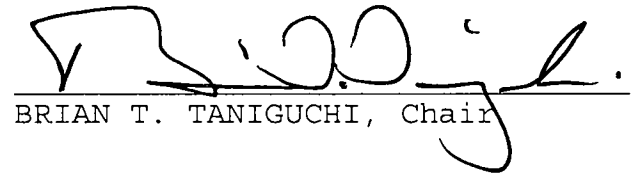


as S.B. No. 3106, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Labor, Culture and the Arts and Human Services,



JOY A. SAN BUENAVENTURA, Chair




BRIAN T. TANIGUCHI, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

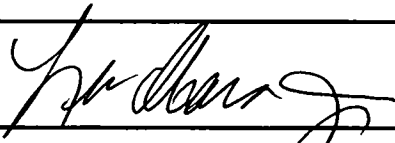
Record of Votes
Committee on Labor, Culture and the Arts
LCA

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 3106	LCA IHMS, WAM	2-7-22		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310	<input type="checkbox"/> Recommit 2313	
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
IHARA, Jr., Les (VC)	✓			
CHANG, Stanley	✓			
KEOHOKALOPE, Jarrett	✓			
FEVELLA, Kurt	✓			
TOTAL	5	0	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes

The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 3106	LCA / HMS, WAM	02/07/2022		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
IHARA, Jr., Les (VC)	✓			
ACASIO, Laura	✓			
MISALUCHA, Bennette E.				✓
FEVELLA, Kurt	✓			
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes