

JOSH GREEN, M.D.  
GOVERNOR OF HAWAII  
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAII



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**Testimony in SUPPORT of H.B. 2529  
RELATING TO A PILOT PROGRAM TO FILL VACANCIES**

REPRESENTATIVE SCOT Z. MATAYOSHI, CHAIR  
HOUSE COMMITTEE ON LABOR AND GOVERNMENT OPERATIONS

Friday, February 2, 2024, 9:30 a.m., Room 309/VIDEO

1 **Department Position:** The Department of Health (Department) strongly supports this measure.

2 **Department Testimony:** The Behavioral Health Administration (BHA) provides the following  
3 testimony on behalf of the Department.

4 The Department supports this measure, which establishes a 5-year behavioral health  
5 exempt employee pilot program and an appropriation to implement the pilot program to be  
6 administered by the Department. The pilot program would allow the Department to fill  
7 employee vacancies in BHA in a manner exempt from Chapter 76, Hawaii Revised Statutes.

8 BHA is charged with the management and administration of behavioral health programs  
9 and services and provides leadership as the State mental health and substance abuse authority.  
10 It is made up of four divisions: Adult Mental Health, Child and Adolescent Mental Health,  
11 Alcohol and Drug Abuse, and Developmental Disabilities.

12 Across the four divisions, the vacancy rate is approximately 29% for civil service  
13 positions. For BHA to fulfill its fiduciary responsibility, the vacancy rate must be improved. The  
14 current system of recruitment and retention utilizing the civil service process has proven to be  
15 inadequate. BHA needs the tools provided in this bill to accelerate the standard recruitment  
16 process and allow the Department to be expeditious and efficient in its efforts to retain staff  
17 and remain salary competitive. This will result in a direct benefit to the community as the

- 1 Department will be able to fill positions quickly to close existing gaps in service and both
- 2 improve the level of services and provide a better continuity of those services.
- 3 Thank you for the opportunity to testify in support of this measure.



## UNITED PUBLIC WORKERS

AFSCME Local 646, AFL-CIO

### HOUSE OF REPRESENTATIVES THE THIRTY-SECOND LEGISLATURE REGULAR SESSION OF 2024

#### COMMITTEE ON LABOR & GOVERNMENT OPERATIONS

Rep. Scot Z. Matayoshi, Chair  
Rep. Andrew Takuya Garrett, Vice Chair

Friday, February 2, 2024, 9:30 AM  
Conference Room 309 & Videoconference

#### Re: **Testimony on HB2529 – RELATING TO A PILOT PROGRAM TO FILL VACANCIES**

Chair Matayoshi, Vice Chair Garrett, and Members of the Committee:

The United Public Workers, AFSCME Local 646, AFL-CIO (“UPW”) is the exclusive bargaining representative for approximately 14,000 public employees, which includes blue collar, non-supervisory employees in Bargaining Unit 1 and institutional, health, and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties.

UPW **opposes** HB2529, which establishes a 5-year behavioral health exempt employee pilot program, to be administered by the Department of Health (“DOH”), under which the Department may fill employee vacancies in the Department's Behavioral Health Services Administration in a manner that is exempt from chapter 76, Hawaii Revised Statutes (“HRS”).

As written, this bill allows DOH to fill its civil service vacancies with non-civil service employees for the duration of the 5-year pilot program. We understand the challenges that DOH is currently facing, particularly in their Adult Mental Health Division, as it tries to hire qualified candidates for hundreds of vacant positions, but Chapter 76, HRS, provides civil servants with protections that preserve their working rights.

Furthermore, despite there being no language in the bill exempting those hired from Chapter 89, HRS, they would effectively be excluded from any collective bargaining agreement without civil service status. Based on the provisions contained in HB2529, newly hired workers would be placed on indefinite probation until they are converted to civil service or deemed ineligible. As such, there would be no recourse if an employee feels they were unfairly terminated.

Lastly, we are gravely concerned that if this measure is passed, other departments would advocate for similar legislation in the future.

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Mahalo for the opportunity to testify on this measure.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kalani Werner", with a long horizontal flourish extending to the right.

Kalani Werner  
State Director

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## HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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

The Thirty-Second Legislature, State of Hawaii  
The House of Representatives  
Committee on Labor and Government Operations

Testimony by  
Hawaii Government Employees Association

January 31, 2024

### H.B. 2529 — RELATING TO A PILOT PROGRAM TO FILL VACANCIES

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly opposes the purpose and intent of H.B. 2529 which establishes a 5-year behavioral health exempt employee pilot program, to be administered by the Department of Health, under which the Department may fill employee vacancies in the Department's Behavioral Health Services Administration in a manner that is exempt from chapter 76, Hawai'i Revised Statutes.

Granting the Department of Health, Behavioral Health Services (BHS) Administration blanket authority to hire exempt employees goes against civil service law and the merit principles, where exempt employees are performing duties that have been traditionally performed by civil servants. Exempt employees are considered at-will and are not afforded the same protections and benefits compared to a civil service employee. Although we appreciate this measure's intent of concurrently converting these exempt employees into civil service, this measure raises questions from our organization. If the intent of this program is to eventually convert these future employees into civil servants – why doesn't the BHS just hire these individuals as civil service employees in the first place? Additionally, we suspect that not all positions within the BHS are 'hard to fill' and as written, this measure is just too broad, and we feel that it is not necessary for the BHS to have authority to hire for any exempt position. Furthermore, what about the pay. Typically, exempt positions are hired at a higher rate of pay compared to a civil servant position. Will the employee face a pay-cut when/if they get converted to a civil service position?

This measure goes to the larger issue which is that the state needs to invest in its current and future civil service workforce – increasing the position pay and offering modern and attractive recruitment and retention incentives, along with increasing the hiring time is paramount. Hiring of exempt employees through this pilot program is a band-aid fix to address the underlying issues within the state government workforce.

Thank you for the opportunity to provide testimony in opposition of H.B. 2529.

Respectfully submitted,

  
Randy Perreira  
Executive Director