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DIRECTOR

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DEPUTY DIRECTOR

STATE OF HAWAII  
**DEPARTMENT OF HUMAN SERVICES**

P. O. Box 339  
Honolulu, Hawaii 96809-0339

February 27, 2022

**TO:** The Honorable Senator Karl Rhoads, Chair  
Senate Committee on Judiciary

**FROM:** Cathy Betts, Director

**SUBJECT: SB 2587 – RELATING TO THE YOUTH COMMISSION.**

**HEARING:** February 28, 2022, 10:30 a.m.  
Via Videoconference, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) comments on this measure, provides clarification, and requests clarification.

**PURPOSE:** The purpose of this measure is to require the Youth Commission to appoint an Executive Director.

The Department requests clarification to the following comment in the committee report,

As the Office of Youth Services currently has one long-term vacant position, your Committee finds that it is not necessary to establish a new position within the Office of Youth Services for an Executive Director.

The existing administrator position to the Hawaii Youth Commission is recently vacant; if the intent is to convert this civil service position to an exempt Executive Director position, it will take an appropriation to address the difference in salary and time to convert the position to exempt.

The Department also seeks clarification whether the Legislature intends to have two positions dedicated to the Youth Commission. If this is the case, an appropriation for the total

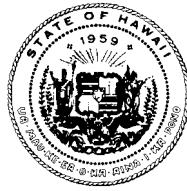
amount of the Executive Director's salary and other benefits are required. The Department notes that it is unclear whether there is a workload for two full-time employees at this point.

The Department supports the mission of the Youth Commission, which is to advise the governor and Legislature on the effects of legislative policies, needs, assessments, priorities, programs, and budgets concerning the youth of the State. Section 352D-11, Hawaii Revised Statutes. As the Youth Commission is attached to the Office of Youth Services, which is attached to DHS, the current administrator of the Youth Commission is a civil service employee of the DHS. As such, the proposed exempt Executive Director of the Youth Commission would also be a DHS employee and will be expected to follow and comply with all applicable state and federal laws and policies and procedures of the Office of Youth Services and the DHS.

From an employment perspective, to vet potential candidates for the proposed Executive Director position, commissioners should have the education or relevant work experience to make the hiring decision. The Legislature should consider that the authority and responsibility for making employment decisions come with inherent liability, including potential negligent hiring or discrimination claims. When commissioners are still minors, it is unlikely they would have the education or relevant work experience to be considered legally responsible for those employment decisions. DHS suggests as a viable option that the commissioners discuss with OYS ways to participate in the selection process to fill the current administrator position or proposed Executive Director position.

The bill refers to appointing the Executive Director. However, it is silent on the other typically related employment matters, such as conducting performance evaluations and discharging the Executive Director, if necessary. The Department requests clarification as to who will be responsible for those activities and decisions. A reorganization will likely be needed to address these responsibilities.

Thank you for the opportunity to provide testimony on this matter.



STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
**OFFICE OF YOUTH SERVICES**  
1010 Richards Street, Suite 314  
Honolulu, Hawaii 96813

February 27, 2022

TO: The Honorable Senator Karl Rhoads, Chair  
Senate Committee on Judiciary

The Honorable Senator Jarrett Keohokalole, Vice Chair  
Senate Committee on Judiciary

FROM: Leanne Gillespie, Acting Executive Director

**SUBJECT: SB 2587 RELATING TO THE YOUTH COMMISSION**

Hearing: Monday, February 28, 2022 at 10:30 a.m.  
Via Videoconference

**OFFICE'S POSITION:** The Office of Youth Services (OYS) submits comments and suggests amendments. OYS respectfully requests that any general fund appropriation not reduce or replace budget priorities identified in the executive budget.

**PURPOSE:** The purpose of the measure is to authorize the Hawaii State Youth Commission to appoint an Executive Director to oversee the administration of the Youth Commission.

The Office of Youth Services strongly supports the Youth Commission's mission, and its ability to provide strong youth voice in advising the governor and effecting legislative policies as they relate to youth issues in the State. Signed into law in 2018, Act 106 established the Youth Commission and appropriated funds for administration costs and one Children and Youth Program Specialist (CYPS) staff position, who acts as the administrative coordinator and liaison for the Youth Commission.

The OYS agrees with the concerns raised in testimony provided by the Department of Human Services related to the inherent liability of employment decisions that this bill tasks the youth commissioners with, and request clarification as to who will be responsible for all of the

decisions and activities of this civil service Executive Director. Alternately, it is recommended that the youth commissioners instead be solely involved in the selection process of their CYPs Coordinator, which became vacant in January 2022. It is recommended that the staffing for the Youth Commission remain as is, and language be added within Page 4, line 7, (i) The youth commission shall appoint one youth commissioner to serve on the selection committee of its an executive director assigned staff position. ~~for the proper administration and enforcement of this section without regard to chapter 76.~~

Thank you for the opportunity to present this testimony.

# HAWAII YOUTH SERVICES NETWORK

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Carole Gruskin, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters Hawaii

Big Island Substance Abuse Council

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Collins Consulting, LLC

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children's Justice Center of Maui

Get Ready Hawai'i

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action Network

Hawaii Health & Harm

Reduction Center

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Kokua Ohana Aloha (KOA)

Maui Youth and Family Services

Na Pu'uwai Molokai Native

Hawaiian Health Care Systems

P.A.R.E.N.T.S., Inc.

Parents and Children Together (PACT)

PHOCUSED

PFLAG – Kona Big Island

Planned Parenthood of the

Great Northwest and

Hawaiian Islands

Residential Youth Services

& Empowerment (RYSE)

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community

Center

The Catalyst Group

February 25, 2022

To: Senator Karl Rhoads, Chair,  
And members of the Committee on Judiciary

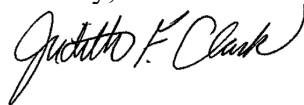
## TESTIMONY IN SUPPORT OF SB 2587 RELATING TO THE YOUTH COMMISSION

Hawaii Youth Services Network, (HYSN) a statewide coalition of youth-serving organizations, supports SB 2587 Relating to the Youth Commission.

Boards and commissions are more effective when they have dedicated staffing to provide the needed administrative supports. Most Hawaii State Boards and Commissions have an Executive Director. Examples include the Disabilities and Communications Access Board and the Developmental Disabilities Council.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH  
Executive Director