

**STATE OF HAWAII  
OFFICE OF PLANNING  
& SUSTAINABLE DEVELOPMENT**

**DAVID Y. IGE**  
GOVERNOR

**MARY ALICE EVANS**  
DIRECTOR

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Statement of  
**MARY ALICE EVANS**  
Director, Office of Planning and Sustainable Development  
before the  
**SENATE COMMITTEE ON GOVERNMENT OPERATIONS**  
**SENATE COMMITTEE ON WAYS AND MEANS**  
Wednesday, March 2, 2022  
10:00 AM  
State Capitol, Conference Room 211  
in consideration of  
**SB 2940 SD1**  
**RELATING TO GOVERNMENT.**

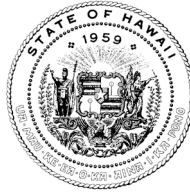
Chairs Moriwaki and Dela Cruz, Vice Chairs Dela Cruz and Keith-Agaran, and Members of the Senate Committees on Government Operations and Ways and Means.

The Office of Planning and Sustainable Development (OPSD) **supports** SB 2940 SD1 which requires each department to establish a telework policy and determine the eligibility of all employees to telework, prescribes elements of a telework policy and training for teleworking employees and their supervisors, requires the designation of a telework managing officer within each department's personnel office, and requires the Department of Human Resources Development (DHRD) to provide an annual report to the Legislature.

OPSD strongly supports increasing the opportunity for State workers to telework to reduce our carbon footprint and greenhouse gas emissions, reduce commute times, vehicle miles traveled, congestion, office space needs, and promote an overall improvement in the quality of life, especially for employees faced with long commutes and family care-giving responsibilities.

In the recently completed *Work Where You Live* project coordinated by the OSPD and DHRD in partnership with the City & County of Honolulu, a comprehensive survey representative of over 11,100 State employees found that 74% of State Executive Department employees teleworked between March 2020 and March 2021. Of these, 69% of non-supervisory employees and 61% of supervisors said they were "very satisfied" with the experience and 62% of non-supervisory employees and 54% of supervisors favored continuing to telework at least one day or more per week in the future. As noted in the bill, more employers have been embracing telework practices including the federal government in 2010. The Covid-19 pandemic has accelerated the trend in favor of teleworking in both the public and private sector, and hybrid work environments that include teleworking is becoming the norm. Regarding the telework policy elements and annual reporting requirement, OPSD defers to DHRD.

Thank you for the opportunity to testify on this measure.



**OFFICE OF ENTERPRISE TECHNOLOGY SERVICES**

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ETS.HAWAII.GOV

Written Testimony of  
DOUGLAS MURDOCK  
Chief Information Officer  
Enterprise Technology Services

Before the

SENATE COMMITTEE ON GOVERNMENT OPERATIONS  
SENATE COMMITTEE ON WAYS & MEANS  
THURSDAY, FEBRUARY 25, 2022

SENATE BILL 2940 SD1  
RELATING TO GOVERNMENT

Dear Chairs Moriwaki, Dela Cruz, Vice Chair Keith-Agaran, and members of the committee:

The Office of Enterprise Technology Services (ETS) **supports and provide comment on** the bill, which requires that each state department, board, commission, or agency develop policies under which eligible employees may be authorized to telework.

ETS suggests including language in the bill to effectively protect the State's IT resources and to safeguard confidential agency resources, information, and data:

(2) Except as provided under subsection (b), an employee has successfully completed the interactive telework training program, including any required cybersecurity training, before that employee enters into a written agreement to telework described under section -2(b)(2);

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

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

TESTIMONY TO THE  
SENATE COMMITTEES ON GOVERNMENT OPERATIONS AND WAYS AND MEANS

For Hearing on Wednesday, March 2, 2022 at 10 a.m.  
Conference Room 211 and via videoconference

By

RYKER WADA  
DIRECTOR

**Senate Bill 2940 SD 1 – Relating to Government**

CHAIRS MORIWAKI AND DELA CRUZ AND MEMBERS OF THE JOINT COMMITTEE:

The Department of Human Resources Development (DHRD) appreciates the intent of SB 2940, SD1, which requires that each state department, board, commission, or agency develop policies under which eligible employees may be authorized to telework. However, we must respectfully **oppose** this measure for the reasons below.

Without a doubt, the effective use of telework has been an instrumental part of the state's COVID-19 response. What initially started off as part of our public health strategy has allowed departments to continue to serve the public, all the while protecting members of our workforce. We believe that telework is here to stay.

However, as we noted on testimony for similar bills last session, we continue to stress that telework is most appropriately dealt through the collective bargaining process enumerated in HRS Chapter 89. Along those lines, DHRD currently has a Memoranda of Understanding (MOU) with the Hawaii Government Employees Association (HGEA) on telework that was executed in 2010.

We recently entered into a Supplemental Agreement (SUP) to extend the interim telework exceptions guide that was issued to all departments in March 2020 to expand permitted allowances for telework, namely for childcare purposes amid school closures across the state

during the height of the pandemic. The SUP is effective from February 2, 2022 and remains valid for one year or until such time discussions with the Union on the updates to the Telework Program Guidelines are completed.

There are other problematic issues with this bill as currently drafted. Having each department establish their own telework policy will likely lead to inconsistencies across the executive branch to the detriment of our workforce. The 2010 Telework Program Guidelines were developed and implemented to provide the framework for telework opportunities for employees in the Executive Branch as an alternative work option, in appropriate circumstances, and to ensure the consistent application of telework between departments.

In addition, while the DHRD Director will be allowed to enter into contracts to carry out research on telework best practices as well as the effects of telework on energy consumption, job creation, and transportation patterns, etc., DHRD does not have the ability to fund such projects nor the staff resources to procure such services. However, should the measure advance, DHRD requests that it be amended to include funding and positions for additional staff support to effectively provide guidance to each of the executive branch departments in the development of their policies, develop other telework-related guidelines, and to conduct the necessary research outlined in this measure. Further, the DHRD requests that the measure be delayed until at least such time that these positions are established and filled.

In closing, DHRD continues to assess the role of telework as part of our “new normal” going forward and has updated the existing policy based on lessons learned from the pandemic. DHRD recently began discussions with HGEA and the United Public Workers (UPW) to consult and/or negotiate on the amendments to the 2010 Telework Program Guidelines. The updated Telework Program Guidelines will continue to provide the framework for telework opportunities for state employees as an alternative work option, in appropriate circumstances, which participating departments are to adopt and enforce.

Thank you for allowing us the opportunity to provide comments in opposition to this measure.



## 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 Ways and Means

Testimony by  
Hawaii Government Employees Association

March 2, 2022

### S.B. 2940, S.D. 1 – RELATING TO GOVERNMENT

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the concept of telework for willing and able state employees, **however we respectfully oppose the purpose and intent of S.B. 2940, S.D. 1** which statutorily requires each state department, board, commission, or agency develop telework policies. We continue to stress that since telework and alternative schedules significantly impact an employee's condition of employment, the terms must be negotiated and mutually agreed upon.

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. For these reasons, we have been actively engaged in negotiations with the Employer to update existing telework policies.

We continue to assert 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. Creating statutory definitions of telework and codifying telework processes infringes upon the collective bargaining process since the Employer and the Exclusive Representative must mutually agree upon the provisions of any telework or alternative work week agreement. **While rooted with good intent, S.B. 2940 may hinder, delay, or confuse the negotiations process that is already underway, therefore we respectfully request the Committees' consideration to defer this measure and allow us to continue to bargain updates to the telework policy.**

Thank you for the opportunity to testify in opposition to S.B. 2940, S.D. 1.

Respectfully submitted,

Randy Perreira  
Executive Director



THE SENATE  
THE THIRTY-FIRST LEGISLATURE  
REGULAR SESSION OF 2022

**Committee on Government Operations**

Senator Sharon Y. Moriwaki, Chair

Senator Donovan M. Dela Cruz, Vice Chair

**Committee on Ways and Means**

Senator Donovan M. Dela Cruz, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

Wednesday, March 2, 2022, 10:00AM  
Conference Room 211 and via Videoconference

**Re: Testimony in Opposition of SB2940, SD1 - RELATING TO GOVERNMENT**

Chairs Moriwaki and Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committees:

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. The UPW also represents 1,500 members in the private sector.

UPW **opposes** SB2940, SD1, which requires that each state department, board, commission, or agency develop policies under which eligible employees may be authorized to telework.

We recognize that the COVID-19 pandemic immediately and significantly impacted our state, and some measures needed to be taken to protect our state’s residents and workers. While we appreciate the intent of this bill regarding creating a teleworking policy for eligible employees, our Union has already been in contact with the Department of Human Resources Development through the consultation process to work out a teleworking agreement for our members. Additionally, allowing each department, board, commission, or agency to develop their own policies could result in inconsistent policies within certain jurisdictions.

Given these reasons, we respectfully ask that you hold this bill as we feel it is not necessary at this time. Thank you for the opportunity to provide testimony.

Sincerely,

Kalani Werner  
State Director

**UNITED PUBLIC WORKERS**  
**AFSCME Local 646, AFL-CIO**



**SB-2940-SD-1**

Submitted on: 2/25/2022 11:42:09 PM

Testimony for GVO on 3/2/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Thaddeus Pham	Individual	Support	No

Comments:

Aloha Chairs, Vice Chairs, and Members of the GVO and WAM Committees,

As a public health professional and concerned community member, I write in strong support of SB2940 SD1, which requires that each state department, board, commission, or agency develop policies under which eligible employees may be authorized to telework.

With the COVID-19 pandemic, it has been made clear that telework is not only a viable but desirable options for workers in all sectors. This is especially true for state workers who are caregivers and parents, as I have witnessed in my own family and close friends. Moreover, as workers continue to resign and leave employment in significant numbers, the state must prioritize the retention of a quality workforce by ensuring that telework options are equivalent to those in the private sector.

Please keep our state economy and workforce strong by passing this measure.

With gratitude,

Thaddeus Pham (he/him)