

JOSH GREEN, M. D.
GOVERNOR
KE KIA'ĀINA

SYLVIA LUKE
LT. GOVERNOR
KA HOPE KIA'ĀINA



BRENNA H. HASHIMOTO
DIRECTOR
KA LUNA HO'OKELE

RYAN YAMANE
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
KA 'OIHANA HO'OMŌHALA LIMAHANA
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

Statement of
BRENNA H. HASHIMOTO
Director, Department of Human Resources Development

Before the
SENATE COMMITTEE ON LABOR AND TECHNOLOGY
AND
SENATE COMMITTEE ON GOVERNMENT OPERATIONS
Thursday, February 15, 2024
3:10PM
State Capitol, Conference Room 225

In consideration of
SB3007, RELATING TO HIRING

Chairs Aquino and McKelvey, Vice Chairs Moriwaki and Gabbard, and members of the committees.

The Department of Human Resources Development (DHRD) appreciates the intent of SB 3007 which will authorize a state department, division, or agency, rather than DHRD, to conduct a minimum qualification review of applicants for vacant positions. However, we must respectfully oppose this measure.

DHRD is concerned for the following reasons:

1. This bill is unnecessary as DHRD already allows departments to request and be granted delegated authority to conduct the full range of recruitment functions for their unique classes of work upon their request.
2. Allowing multiple state departments, divisions, or agencies to conduct a minimum qualification review of the same pool of applications would likely lead to confusion for the applicants and may lead to an inconsistent application of the minimum qualification requirements.
3. Similarly, allowing multiple state departments, divisions, or agencies to consider any alternative qualifications and substitutions in lieu of the state minimum qualifications is contrary to the merit principles and will likely lead to claims of discrimination or favoritism.

4. An objective and consistent application of the minimum qualifications protects the employer from unnecessary exposure to discrimination liability.
5. The State of Hawai'i selects persons based on merit, which is the selection of persons based on their fitness and ability for public employment pursuant to HRS §76-1.

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

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
**DEPARTMENT OF CORRECTIONS
AND REHABILITATION**
*Ka 'Oihana Ho'omalu Kalaima
a Ho'oponopono Ola*
1177 Alakea Street
Honolulu, Hawaii 96813

TOMMY JOHNSON
DIRECTOR

Melanie Martin
Deputy Director
Administration

Pamela J. Sturz
Deputy Director
Correctional Institutions

Sanna Muñoz
Deputy Director
Rehabilitation Services
and
Programs

No. _____

TESTIMONY ON SENATE BILL 3007
RELATING TO HIRING

by

Tommy Johnson, Director
Department of Corrections and Rehabilitation

Senate Committee on Government Operations
Senator Angus L.K. McKelvey, Chair
Senator Mike Gabbard, Vice Chair

Senate Committee on Labor and Technology
Senator Henry J.C. Aquino, Chair
Senator Sharon Y. Moriwaki, Vice Chair

Thursday, February 15, 2024; 3:10 p.m.
State Capitol, Conference Room 225 & via Videoconference

Chairs McKelvey and Aquino, Vice Chairs Gabbard and Moriwaki, and Members of the Committee:

The Department of Corrections and Rehabilitation (DCR) offers comments on Senate Bill (SB) 3007, which proposes to (1) Allow a state department, division, or agency, rather than the Department of Human Resources Development (DHRD), to conduct a minimum qualification review of applicants for vacant positions within the department, division, or agency; and (2) Require the DHRD to provide state departments, divisions, and agencies the applications received for vacancies under certain circumstances. DCR offers the following comments:

- Departments currently can conduct recruitment activities to include minimum qualification reviews of applicants. Hawai'i Revised Statute (HRS) §76-22.5, Recruitment is the authority.
- Page 4 -5 section (c), may violate Hawai'i's Merit Principle since applicants may no longer be objectively and fairly considered for a recruitment. There may be inconsistencies in hiring that could occur creating the possibility of complaints and Departments needing to defend themselves in Merit Appeal Board hearings.
- Page 5, section (d), the Department of Human Resources Development (DHRD) should not be the entity to correct any error the department makes is problematic since if a department wishes to review applications, they must be responsible for the entire process of that recruitment which is to include the administrative review and correcting of errors.
- As written, the person/position who will be reviewing minimum qualifications (MQs) is not clearly defined. This ability should be limited to trained Human Resources staff in a department but it is not specific and could cause problems with the Union and with hiring practices.
- On page 4, lines 17-19, it's unclear who decides the acceptable "alternative qualifications or substitutions." If the intent is that each department will determine its own alternatives/substitutions for MQs, there will likely be inconsistent application of this option, which could lead to more discrimination complaints and increased exposure to liability. Inconsistent application could also cause a disproportionate adverse impact on certain protected classes.

Thank you for the opportunity to provide comments on SB 3007.

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR



DEAN MINAKAMI
EXECUTIVE DIRECTOR

STATE OF HAWAII

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION
677 QUEEN STREET, SUITE 300
HONOLULU, HAWAII 96813
FAX: (808) 587-0600

Statement of **DEAN MINAKAMI**

Hawaii Housing Finance and Development Corporation
Before the

SENATE COMMITTEE ON GOVERNMENT OPERATIONS AND SENATE COMMITTEE ON LABOR & TECHNOLOGY

February 15, 2024 at 3:10 p.m.
State Capitol, Room 225

In consideration of
S.B. 3007
RELATING TO HIRING.

HHFDC has comments on SB 3007, which authorizes a State department, division, or agency, rather than the Department of Human Resources Development (DHRD), to conduct minimum qualification reviews of applicants for vacant civil-service positions within the department, division, or agency. This change is desirable because DHRD may take up to three to six months to send a list of applicants to a department to schedule an interview. Furthermore, this bill would enable HHFDC and other State entities to use their expertise to consider any alternative qualifications and substitutions that may be used in place of the minimum qualifications for a job.

The existing process to fill a civil-service position typically takes seven months or longer. This measure will help to shorten that process and attract a greater number of qualified applicants for State civil-service positions.

Thank you for the opportunity to testify on this bill.



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**
KA 'OIHANA HO'OMOHALA PĀ'OIHANA, 'IMI WAIWAI
A HO'OMĀKA'IKĀ'I

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

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DIRECTOR

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DEPUTY DIRECTOR

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Statement of
JAMES KUNANE TOKIOKA
Director
Department of Business, Economic Development, and Tourism
before the
SENATE COMMITTEE ON GOVERNMENT OPERATIONS
and the
SENATE COMMITTEE ON LABOR AND TECHNOLOGY

Thursday, February 15, 2024
3:10 PM
State Capitol, Conference Room 225

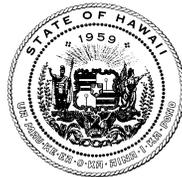
In consideration of
SB3007
RELATING TO HIRING.

Chairs McKelvey and Aquino, Vice Chairs Gabbard and Moriwaki, and members of the Committees.

The Department of Business, Economic Development and Tourism appreciates the intent and offers **comments** regarding SB3007, which authorizes a state department, division, or agency, rather than the Department of Human Resources Development (DHRD), to conduct a minimum qualification review of applicants for vacant positions within the department, division, or agency.

The work of DHRD has been very helpful and reduced the programs' burden for hiring employees. However, the labor shortage during the past three years has created challenges for hiring employees for both the public and private sectors. This bill brings innovation to the hiring process, and we believe it will significantly improve the efficiency of filling government vacancies.

Thank you for the opportunity to offer comments on this measure.



STATE OF HAWAII
HAWAII STATE PUBLIC LIBRARY SYSTEM
'OIHANA HALE WAIHONA PUKE AUPUNI O KA MOKU'AINA O HAWAII
OFFICE OF THE STATE LIBRARIAN
44 MERCHANT STREET
HONOLULU, HAWAII 96813

SENATE COMMITTEES ON LABOR AND TECHNOLOGY AND GOVERNMENT OPERATIONS

Thursday, February 15, 2024

3:10 p.m.

Conference Room 225

**By Stacey A. Aldrich
State Librarian**

S.B. 3007 RELATING TO HIRING

To: Sen. Henry J.C. Aquino, Chair
Sen. Sharon Y. Moriwaki, Vice Chair
Members of the Senate Committee on Labor and Technology

Sen. Angus A.K. McKelvey, Chair
Sen. Mike Gabbard, Vice Chair
Members of the Senate Committee on Government Operations

The Hawaii State Public Library System (HSPLS) provides the following **comments on S.B. 3007**, which authorizes a state department, division, or agency, rather than the Department of Human Resources Development, to conduct a minimum qualification review of applicants for vacant positions within the department, division, or agency. It also requires the Department of Human Resources Development to provide state departments, divisions, and agencies the applications received for vacancies under certain circumstances.

Like other State departments and agencies, the HSPLS faces marketplace (a diminished labor pool, for example) and procedural challenges when hiring at all levels.

State hiring procedures are complex, labor-intensive and lengthy. Often times, it takes at least six months to identify/hire an employee. Frequently, promising candidates have already been hired in other positions before we even get the lists of candidates to interview. Additionally, we see potential candidates weeded from lists because the reviewer of

applications for positions at HSPLS libraries determines they do not have the correct experience, when we might see it differently. The reverse also happens, where unqualified candidates are on lists for high level public library managerial positions. These are examples where the reviewer of the application needs to have a better understanding of the difference between work experiences at public, school and academic library positions.

Low staffing levels contribute to reduced library hours of operation and impede our ability to provide needed programs and services to our communities, particularly on the neighbor islands. In FY2022, the total number of public service hours lost due to low staffing was 283.5. This translates into 71 incidents of full closures of one hour or more and 27 reductions to just door service. The majority of the loss of public service occurs on the neighbor islands.

Thank you for the opportunity to provide comments on S.B. 3007.



UNITED PUBLIC WORKERS

AFSCME Local 646, AFL-CIO

**THE SENATE
KA 'AHA KENEKOA
THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2024**

COMMITTEE ON LABOR AND TECHNOLOGY

Senator Henry J.C. Aquino, Chair
Senator Sharon Y. Moriwaki, Vice Chair

COMMITTEE ON GOVERNMENT OPERATIONS

Senator Angus L.K. McKelvey, Chair
Senator Mike Gabbard, Vice Chair

Thursday, February 15, 2024, 3:10 PM
Conference Room 225 & Videoconference

Re: Testimony on SB3007 – RELATING TO HIRING

Chairs Aquino and McKelvey, Vice Chairs Moriwaki and Gabbard, 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 **supports** SB3007, which authorizes a state department, division, or agency, rather than the Department of Human Resources Development (“DHRD”), to conduct a minimum qualification review of applicants for vacant positions within the department, division, or agency. This measure also requires the DHRD to provide state departments, divisions, and agencies the applications received for vacancies under certain circumstances.

According to DHRD’s 2024 report to the Legislature, there are 4,685 vacant state positions, which represents a 27% vacancy rate. This large number of vacancies has resulted in fewer workers having to shoulder the workload of unfilled positions, this contributing to burnout and separation from service. As written, this bill could help to address the worker shortage by reducing the length of time it currently takes to hire a qualified candidate. The

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2970 Kele Street, Suite 213
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MAUI

841 Kolu Street
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Toll Free - Molokai/Lanai only

unprecedented number of vacant state positions in Hawaii is having an impact on government operations and the delivery of services. We urge the committee to pass this bill.

Mahalo for the opportunity to testify in support of this measure.

Sincerely,

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

Kalani Werner
State Director

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JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



LATE

EDWIN H. SNIFFEN
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KA LUNA HO'OKELE

Deputy Directors
Nā Hope Luna Ho'okele
DREANALEE K. KALILI
TAMMY L. LEE
ROBIN K. SHISHIDO

STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
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HONOLULU, HAWAII 96813-5097

February 15, 2024
3:10 p.m.
State Capitol, Conference Room 225

**S.B. 3007
RELATING TO HIRING**

Senate Committee on Government Operations
Senate Committee on Labor and Technology

The Hawaii Department of Transportation (DOT) **supports** this measure.

The ability for DOT to review job applications directly, particularly our highest-need positions that are not currently delegated to the DOT, result in a faster turnaround for list of applicants to our programs. The DOT presently has over seventy (70) delegated classes of work.

Departments like the DOT have detailed knowledge of position requirements and therefore may be better suited to screen applicant qualifications.

Thank you for the opportunity to provide testimony.

LATE

SB-3007

Submitted on: 2/15/2024 11:12:40 AM

Testimony for LBT on 2/15/2024 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Bonhee Chung	Individual	Support	Written Testimony Only

Comments:

Aloha,

I applied for an economist position at the State Department of Agriculture and the State Department of Business, Economic Development, and Tourism. Twice, I received a notice of ineligibility from the State Recruiting Office, stating that I do not have the minimum qualifications. I have a masters degree in agricultural systems and a Ph.D. in agricultural development policy, which is an economics program with a focus on agriculture. I took all the core economic courses and have a proven track record, demonstrating my understanding of economic theory and statistics. I talked to the reviewer who reviewed my application at the State Recruitment Office. It seemed to me that the key issue was that my degree or transcript does not specifically articulate "economics" or "finance" as stated in the job posting, even though my transcripts show my economic coursework. I have also published several journal articles using economic theory and statistical methods. I even taught introductory economics courses to undergraduate students in Asia. I provided all the supporting documents. Moreover, I went to great lengths, explaining my work experience and skill-sets through supplemental Q&As (10 pages!).

I requested an administrative (second) review because I disagreed with the reason for the minimum disqualification, which appeared to be simply based on a mere title of my degree, as opposed to a thorough review of my education background, research experience, and skill-sets. It is my understanding that the State Recruitment Office has a very broad description of the job posting and does not necessarily reflect the needs of a state department or an agency that is seeking a candidate. It is very clear to me that the State Recruitment Office does not have the subject matter expertise to assess the minimum qualifications for professional/scientific positions. I am so grateful that SB3007 is introduced to address the issue that really matters to Hawaii residents like myself. It gives me a new hope. Please stop the current recruitment system from unnecessarily ruining the aspiration of those who want to work for the Hawaii State and make a contribution. Please pass this bill. Mahalo.