

LINDA LINGLE
GOVERNOR



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DEPARTMENT OF PUBLIC SAFETY
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No. _

**TESTIMONY ON SENATE BILL 208
RELATING TO PUBLIC SAFETY**

by
Clayton A. Frank, Director
Department of Public Safety

Committee on Public Safety
Representative Faye P. Hanohano, Chair
Representative Henry J. C. Aquino, Vice Chair

Committee on Labor and Public Employment
Representative Karl Rhodes, Chair
Representative Kyle T. Yamashita, Vice Chair

Thursday, March 19, 2009; 10:00 AM
State Capitol, Conference Room 309

Representative Hanohano, Representative Rhodes, and Members of the Committees:

The Department of Public Safety opposes Senate Bill 208. This bill limits the ability of the Governor and the Director of Public Safety to appoint candidates that would be the most appropriate for the positions in question. It is critical for the successful operation of any department that the leaders and administrators work together as a unit. Therefore it is critical that the Governor and the Director of Public Safety have the opportunity and the capacity to select those administrators that will work well within the current system. For this reason, the Department of Public Safety opposes Senate Bill 208.

Thank you for this opportunity to testify.



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**The Twenty-Fifth Legislature, State of Hawaii
Hawaii State House of Representatives
Committee on Public Safety
Committee on Labor and Public Employment**

**Testimony by
Hawaii Government Employees Association
March 19, 2009**

**S.B. 208 – RELATING TO
PUBLIC SAFETY**

The Hawaii Government Employees Association supports S.B. 208, which repeals the exemption under Section 76-16, HRS for the first and second deputy sheriffs. We believe these positions should be within the civil service system for purposes of stability and continuity.

As a matter of policy, we oppose the creation of exempt positions and support converting those that already exist to civil service. There are fundamental differences between civil service status, which allows for continued employment provided that performance requirements are met, and exempt status which can be subject to political pressures. Civil service status minimizes the likelihood of such influence. Law enforcement positions should be insulated from political pressures as much as possible.

Thank you for the opportunity to testify in support of S.B. 208.

Respectfully submitted,

**Nora A. Nomura
Deputy Executive Director**

TESTIMONY ON SENATE BILL 208
RELATING TO PUBLIC SAFETY

Committee on Public Safety
Representative Faye P. Hanohano, Chair

Committee on Labor & Public Employment
Representative Karl Rhoads, Chair

Thursday, March, 19 2009 / 10:00 AM
State Capitol, Conference Room 309

Representatives Hanohano, Rhoads and members of the Committee:

I would like to take this opportunity to request your favorable support of SB 208, which would repeal exemptions from civil service of the First and Second Deputy Sheriff.

These positions were created while the Sheriff's Division was under the Judicial branch of government, however, the Sheriff Division was subsequently transferred to the Department of Public Safety, pursuant to Act 211, SLH 1989. With the increase of deputy sheriff and non-uniformed positions, which is estimated to be around 320 personnel, appointment of a First and Second Deputy Sheriff would have a negative impact on our operations. Political appointments from the outside would not be favorable or in the best interest of personnel for one major issue. There is no continuity since those appointed to management positions lack institutional knowledge to be effective administratively and operationally. This has been a trend that I have seen over the past 29 years of service with the Sheriff's Division. Each time there is a change in upper-management, we seem to regress, having to familiarize

appointees with operational requirements, and lack span of control.

Another concern is the lack of promotional mobility. The Sheriff Division lacks a chain of command. Currently, we have a sergeant (Working supervisor) and a lieutenant (Section Commander) within our division. Based on the organizational chart, we are deficient in the number of upper-management positions. The Sheriff Division has worked diligently with the Department of Human Resources and Development to expand the Deputy Sheriff class series to include Captains and Majors. Exempting these two positions from civil service will undoubtedly hinder any chances of establishing Captain and Majors in our Deputy Sheriff class series, and will gravely prevent any promotional ambitions some of us wish to pursue.

Albert Cummings

TESTIMONY ON SENATE BILL 208
RELATING TO PUBLIC SAFETY

House Committee on Public Safety
Representative Faye P. Hanohano, Chair

House Committee on Labor & Public Employment
Representative Karl Rhoads, Chair

Thursday, March 19, 2009; 10:00 AM
State Capitol, Conference Room 309

Chair Hanohano, Chair Rhoads and Members of the Committee:

I would like to take this opportunity to request for your strong support of SB 208, which would repeal exemptions from civil service of the First and Second Deputy Sheriff.

Historically, these exemptions were established when the Office of the Sheriff was under the Judiciary branch of government. The Chief Justice made the appointments to these positions. When the Office of the Sheriff was moved into the newly created Department of Public Safety pursuant to Act 211, SLH 1989, the exemption to civil service of these position were transferred along with newly established Sheriff Division under the Department of Public Safety. While those appointed positions might have been appropriate for the Office of the Sheriff under the Judiciary in the 1980's, it would have a negative impact on the current Sheriff Division organization. In the 1980's, the Office of the Sheriff had authorized positions of approximately 70 deputy sheriffs and related non-uniformed positions. Currently, the Sheriff Division has approximately 320 authorized deputy sheriffs and related non-uniformed positions. Having an appointed First or Second Deputy would have a negative impact on continuity of Sheriff Division operations. As being appointed positions, the persons appointed would inevitably be from outside of the Sheriff Division. This would bring into the Sheriff Division's upper management, persons without the institutional knowledge for effective administrative and operational management of the Division.

Another issue is that maintaining an appointed First and Second Deputy Sheriff may hinder the Sheriff Division's efforts into establishing Deputy Sheriff V (Captain) and Deputy Sheriff VI (Major) within the Sheriff Division. The Division is currently working with the Department of Human Resources Development (DHRD) on the process for expanding the Deputy Sheriff class series to include Captains and Majors. It is my concern that the current exemptions from civil service of the first and second deputy sheriff may be applied by DHRD to the proposed Captain and Major classes.

As reflected in the Sheriff Division organization chart, there are an insufficient number of upper management positions above the operational segments of the Division. Span of control is a crucial principle in the efficient management of any law enforcement organization. The repeal of the exemptions from civil service of the First and Second Deputy Sheriff as well as the successful establishment of Captains and Majors within the Deputy Sheriff class series will address the span of control issues.

Robin Nagamine

HOUSE OF REPRESENTATIVES
THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2009
TESTIMONY ON SENATE BILL 208
RELATING TO PUBLIC SAFETY

Committee on Public Safety
Rep. Faye P. Hanohano, Chair
Rep. Henry J.C. Aquino, Vice Chair

Thursday, March 19, 2009; 10:00 AM
State Capitol, Conference Room 309

Representative Hanohano and Members of the Committee:

I would like to take this opportunity to request for your strong support of SB 208, which would repeal exemptions from civil service of the First and Second Deputy Sheriff.

Having an appointed First or Second Deputy would have a negative impact on continuity of the Sheriff Division. Having a person appointed from outside the Sheriff Division would bring into the Sheriff Division's upper management, persons without the institutional knowledge for effective administrative and operations management of the Division.

Another issue is that maintaining an appointed First and Second Deputy Sheriff may hinder the Sheriff Division's efforts into establishing Deputy Sheriff V (Captain) and Deputy Sheriff VI (Major) within the Sheriff Division. The Division is currently working with DHRD on expanding the Deputy Sheriff class to include Captains and Majors.

Another issue would be that it increases the chances for deputies to move upward within the ranks of the Deputy Sheriff series. Now deputies can only look forward to moving up in rank to Sergeant or Lieutenant.

As shown in the Sheriff Division organization chart, there are an insufficient number of upper management positions above the operational segments of the Division. Span of control is a crucial principle in the efficient management of any law enforcement organization. The repeal of the exemptions from civil service of the First and Second Deputy Sheriff as well as the successful establishment of Captains and Majors within the Deputy Sheriff class series will address the span of control issues

Michael V. De Cenzo