

DEPARTMENT OF HUMAN RESOURCES  
**CITY AND COUNTY OF HONOLULU**

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MUFI HANNEMANN  
MAYOR



KENNETH Y. NAKAMATSU  
DIRECTOR

March 17, 2009

The Honorable Karl Rhoads, Chair  
and Members of the Committee on  
Labor & Public Employment  
State House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Rhoads:

**Subject: Senate Bill No. 690, SD2  
Relating to Intergovernmental Movements**

The Department of Human Resources of the City & County of Honolulu supports the intent of intergovernmental movements (IGMs) of permanent civil service employees. However, we **do not support** the current version of this bill, **SD2** and would like to offer the following comments:

- While in most cases, individuals who move to the City and County of Honolulu do so via an open-competitive recruitment, we do not believe that it should be required by law. We note that the open-competitive recruitment provision was not included in the original statute.
- We recommend that references to IGMs involving federal employees be deleted as they are under an entirely different civil service system.

Thank you for the opportunity to testify.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Ken Y. Nakamatsu".

Ken Y. Nakamatsu, Director  
Department of Human Resources

William P. Kenoi  
Mayor



Michael R. Ben, SPHR  
Director of Personnel

Ronald K. Takahashi  
Deputy Director of Personnel

## County of Hawai'i Department of Civil Service

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March 17, 2009

The Honorable Karl Rhodes, Chair  
And Members of the House Committee on Labor & Public Employment  
House of Representatives  
State Capitol Honolulu, HI 96813

Dear Chair Rhodes and Members of the Committee:

### **Re: SB 690 SD 2 Relating to Intergovernmental Movements**

I am Michael R. Ben, Director of Human Resources for the County of Hawai'i. I am testifying against SB 690 SD 2.

SB 690, as originally drafted, proposed to reintroduce into law the provisions of what was once §76-36, HRS, a section which was repealed under Act 253, SLH 2000, better known as Civil Service Reform. SD 2 now changes the very provision which was being sought to be reintroduced into law by requiring intergovernmental movements be restricted to employees who have been selected off an open-competitive list. SD 2 is now far more restrictive than §76-36, HRS ever was, to the point that it can't be categorized as restoring (or clarifying) the provisions of §76-36, HRS. It is for this very reason I am against SB 690 SD 2.

### **Is there any benefit to this new draft? No.**

If an employee is selected off an open-competitive list, and the employing jurisdiction now calls it an intergovernmental movement, what specific benefit does this new section of law bestow upon this employee (or the employing jurisdiction) as compared to an employee who is selected off and open-competitive list and the employing jurisdiction decides to not call it an intergovernmental movement?

The answer is there is no benefit spelled out in this new section.

*Hawai'i County is an Equal Opportunity Provider and Employer.*

The Honorable Karl Rhoads, Chair  
And Members of the House Committee on Labor and Public Employment  
March 17, 2009  
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**Why do employees involved in an exchange need to compete through the open-competitive recruitment process?**

If the C&C of Honolulu and the County of Hawai'i wished to exchange Police Captains, SD 2 requires that the employees be selected through an open-competitive recruitment civil service recruitment process. Why?

This requirement is absurd. The two jurisdictions may do this exchange now, without the law and without having to do so through an open-competitive recruitment process, and could do so also under the originally proposed SB 690. Why is this new requirement necessary?

**Table SB 690 SD 2**

In consideration of what I have offered, I ask that SB 690 SD 2 be tabled.

Notwithstanding this request, I would be in support of the original SB 690 with further modification, as I had explained in my January 30, 2009 testimony to you on HB 628 Relating to Intergovernmental Movement. I have enclosed a copy of my previous testimony for your perusal.

Thank you.

Sincerely,



Michael R. Ben, SPHR  
Director of Human Resources

Enclosure

CHARMAINE TAVARES  
Mayor



LYNN G. KRIEG  
Director

LANCE T. HIROMOTO  
Deputy Director

COUNTY OF MAUI  
DEPARTMENT OF PERSONNEL SERVICES

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March 16, 2009

The Honorable Karl Rhodes, Chair  
and Members of the Committee on  
Labor & Public Employment  
House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

Dear Chair Rhodes and Committee Members:

RE: S.B. 690, SD 2, RELATING TO INTERGOVERNMENTAL MOVEMENTS

I am Lynn G. Krieg, Director of Personnel Services for the County of Maui, writing in opposition to this measure.

I previously submitted testimony supporting S.B. 690, with comment and suggestions for improvements, as we were in concert with the intent of S.B. 690 which was to reintroduce provisions of Chapter 76 that were repealed under Act 253, SLH 2000. However, the current provisions of SD2 stray far from the original intent and now require that regular civil service employees be selected off an open-competitive list in order to enjoy what was previously one of the few benefits of being a regular civil service employee, intergovernmental movement.

Previously, HRS §76-36 allowed regular civil service employees a vehicle to move from one jurisdiction to another and keep their hard-earned leave benefits intact. SD2 would now require an open-competitive process, which means that the employee would have to compete for the position with all other applicants and hope that they make it high enough on the list to be considered for the movement. Is this the purpose of requiring an open competition? If so, why have a provision for intergovernmental movement at all?

Is an open-competitive recruitment required for exchanges? Why? This would certainly dampen the purpose or objective for any exchange. At the very least it would subject the process to an undue lengthy bureaucratic process for no good reason. If management determines that a situation or project warrants an exchange, it should not be hampered by the requirement of an open-competitive process.

The County of Maui did not support S.B. 690, SD1, and we continue to oppose SD2. In short, we feel incorporating the State's proposed administrative rules into law without a full understanding of its impact is short sighted. We feel that this proposal contradicts the original

The Honorable Karl Rhodes, Chair  
and Members of the Committee on  
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intent of this measure which was to restore to permanent civil service employees certain rights, benefits, and privileges previously provided by law. The bill, as written, is far more restrictive than HRS §76-36 was and we feel this bill should either be tabled in favor of restoration of the original SB 690 (enclosed) with the following modifications:

1. References to intergovernmental movements involving federal employees should be deleted as these employees are under an entirely different civil service system.
2. Item #2 which references exchanges and movements to same or a closely related class of positions should be deleted as it would provide employers, as well as employees, with greater flexibility.

Thank you for the opportunity to submit testimony.

Sincerely,



LYNN G. KRIEG  
Director of Personnel Services

Enclosure

cc: Mayor Charmaine Tavares  
Justin Gruenstein

JAN 23 2009

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## A BILL FOR AN ACT

RELATING TO INTERGOVERNMENTAL MOVEMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 76, Hawaii Revised Statutes, is amended  
2 by adding a new section to be appropriately designated and to  
3 read as follows:

4 "§76- Intergovernmental exchanges or movements.

5 Provisions shall be made for the exchange or movement of civil  
6 service employees between the State and any county, between  
7 counties, between the federal government and the State, or  
8 between the federal government and any county. The following  
9 conditions shall govern the exchanges and movements:

10 (1) All exchanges and movements shall require the approval  
11 of the appropriate department heads and directors;

12 (2) All exchanges and movements shall be to the same or a  
13 closely related class of positions;

14 (3) Employees shall be required to meet the minimum  
15 qualification requirements of the class to which they  
16 are to be exchanged or moved;



# S.B. NO. 690

- 1        (4) No employee shall be moved between the State and any  
2                    county, between counties, between the federal  
3                    government and the State, or between the federal  
4                    government and any county to a class for which an  
5                    appropriate promotional eligible list exists;  
6        (5) The director of human resources development may  
7                    require a noncompetitive examination of an employee to  
8                    determine the employee's fitness and qualifications  
9                    for the class to which the employee is being exchanged  
10                   or moved; and  
11        (6) No exchange shall be for a period in excess of one  
12                   year."

13        SECTION 2.    New statutory material is underscored.

14        SECTION 3.    This Act shall take effect upon its approval.

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INTRODUCED BY:

*[Signature]*  
*Michelle R. Kelani*  
*Norma Sakomfs*  
*Erzanne Chun Oakland*



**Report Title:**

Intergovernmental Exchange or Movements of Civil Service  
Employees

**Description:**

Allows for the exchange or movement of civil service employees  
between the State and any county, between counties, between the  
federal government and the State, or between the federal  
government and any county; provided certain conditions are met.

