STAND. COM. REP. NO. 2450

Honolulu, Hawaii

FEB 1 9 2016

RE: S.B. No. 2880 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Twenty-Eighth State Legislature Regular Session of 2016 State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 2880 entitled:

"A BILL FOR AN ACT RELATING TO SERVICES PERFORMED BY CIVIL SERVICE EMPLOYEES,"

begs leave to report as follows:

The purpose and intent of this measure is to appropriate funds to the Department of Public Safety, Department of Land and Natural Resources, Department of Defense, and Department of Accounting and General Services to establish civil service positions.

Your Committee received testimony in support of this measure from the Department of Accounting and General Services; Department of Public Safety; Department of Human Resources Development; Department of Land and Natural Resources; and United Public Workers, AFSCME, Local 646, AFL-CIO.

Your Committee finds that in <u>Konno v. Hawaii County</u>, 937 P. 2d 397 (1997), the Hawaii Supreme Court held that state civil service laws allow only civil service employees to perform work historically and customarily done by civil service employees. In June 2015, following years of litigation related to the <u>Konno</u> ruling, the United Public Workers and the State's executive branch entered into a letter of understanding that includes the requirement that departments identify positions and resources needed to enable contracted work to be performed by civil service employees. Implementation of this measure will support state



STAND. COM. REP. NO. 245D Page 2

agency operations as part of a mediated process to address the objections of the United Public Workers.

Your Committee has amended this measure by:

- Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2880, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2880, S.D. 1, and be referred to your Committee on Ways and Means.

> Respectfully submitted on behalf of the members of the Committee on Judiciary and Labor,

GILBERT S.C. KEITH-Chair



The Senate Twenty-Eighth Legislature State of Hawai'i

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*	Committee Referral: Date: / /				
SB 2880	JDL, WAM 2/17/16				
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)					
SHIMABUKURO, Maile S.L. (VC)		/			
GABBARD, Mike					
KIM, Donna Mercado					
THIELEN, Laura H.		/			
SLOM, Sam		/			
		5			
TOTAL		$\overline{\langle}$			1
Recommendation:					
Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Committee					
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*Only one measure per Record of Votes