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# A BILL FOR AN ACT

RELATING TO SERVICES PERFORMED BY CIVIL SERVICE EMPLOYEES.

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

1           SECTION 1. The legislature finds that in 1997, the Hawaii  
2 supreme court ruled in Konno v. Hawaii County that Hawaii county  
3 violated civil service laws and merit principles when it hired  
4 private contractors to perform landfill operations work. The  
5 court ruled that state civil service laws allowed only civil  
6 service employees to perform work historically and customarily  
7 done by civil service employees.

8           In response to Konno, Act 90, Session Laws of Hawaii 2001,  
9 was enacted in 2001. Act 90, part II, allowed the State of  
10 Hawaii to contract for services historically and customarily  
11 performed by civil service employees if equivalent or better  
12 services could be provided at lower cost. However, Act 90, part  
13 II, was repealed on June 30, 2007.

14           After Act 90 was repealed, the United Public Workers filed  
15 class grievances as well as lawsuits in circuit court arguing  
16 that the State of Hawaii and the counties should cease the  
17 practice of contracting for services historically and



1 customarily performed by civil service employees. Over time,  
2 the counties reached settlements with the United Public Workers,  
3 leaving only the claims against the State of Hawaii.

4 Through court-ordered mediation, an agreement was reached  
5 between the United Public Workers and the State of Hawaii  
6 executive branch relating to services historically and  
7 customarily performed by civil service employees as it relates  
8 to the United Public Workers. This agreement reflected the  
9 State's commitment to comply with the Hawaii supreme court's  
10 ruling in Konno, while concurrently recognizing the State's duty  
11 to provide services to the public.

12 Without a sufficient number of civil service positions and  
13 employees to perform services historically and customarily  
14 performed by United Public Workers-type employees, state  
15 agencies have had to resort to contracting for these services.  
16 In order to address this situation and enable state agencies to  
17 comply with the Konno ruling, it is estimated that the State  
18 will need an additional 599 permanent positions and  
19 approximately \$105,091,764 (for positions and associated  
20 equipment) in general and non-general funds in order to provide



1 necessary services to the public through civil service employees  
2 rather than through contractors.

3 SECTION 2. In an effort to facilitate the provision of  
4 housing opportunities for homeless individuals and others in  
5 need, and in order to fulfill operational needs with regard to  
6 work historically and customarily performed by civil service  
7 personnel, the following thirty-four permanent positions shall  
8 be established in the Hawaii public housing authority for multi-  
9 skilled worker teams:

- 10 (1) Three (3) general construction and maintenance  
11 supervisor I positions;
- 12 (2) Three (3) building maintenance worker II positions;
- 13 (3) Five (5) building maintenance worker I positions;
- 14 (4) Four (4) building maintenance helper positions;
- 15 (5) Three (3) general laborer I positions;
- 16 (6) Three (3) carpenter I positions;
- 17 (7) Four (4) plumber I positions;
- 18 (8) Two (2) plumber helper positions;
- 19 (9) Five (5) electrician I positions;
- 20 (10) One (1) painter I position; and
- 21 (11) One (1) welder I position.



1           Only permanent position counts are being established;  
2 funding is not required.

3           SECTION 3.    This Act shall take effect on January 7, 2059.

4



**Report Title:**

Civil Service; Establish Positions; Hawaii Public Housing Authority

**Description:**

Establishes permanent civil service positions for the Hawaii Public Housing Authority to provide services historically and customarily performed by civil service employees in connection with creating housing opportunities for homeless individuals and others in need. Takes effect 1/7/2059. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

