
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 was enacted in 2001. Part II
9 of Act 90, Session Laws of Hawaii 2001 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13 II, was repealed on June 30, 2007.

14 After Act 90 was repealed, the United Public Workers filed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 To address this situation and enable state agencies to comply
17 with the *Konno* ruling, it is estimated that the State will need
18 an additional 598 permanent positions and approximately
19 \$75,571,516 for positions and associated equipment in general
20 and non-general funds to provide necessary services to the



1 public through civil service employees rather than through
2 contractors.

3 In an effort to facilitate the provision of refuse
4 collection for the Hawaii public housing authority, and to
5 fulfill operational needs with regard to work historically and
6 customarily performed by civil service personnel, permanent
7 full-time positions are requested for the Hawaii public housing
8 authority for refuse collection.

9 The purpose of this Act is to appropriate funds for the
10 establishment of permanent full-time civil service positions and
11 equipment for the Hawaii public housing authority in connection
12 with refuse collection.

13 SECTION 2. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$ or so much
15 thereof as may be necessary for fiscal year 2018-2019 for the
16 following twenty-seven full-time equivalent (27.0 FTE) positions
17 for the Hawaii public housing authority in connection with
18 refuse collection:

19 (1) \$ for fifteen full-time equivalent (15.0 FTE)
20 heavy truck driver positions;



- 1 (2) \$ for four full-time equivalent (4.0 FTE)
2 refuse collector positions;
3 (3) \$ for seven full-time equivalent (7.0 FTE)
4 truck driver/laborer positions; and
5 (4) \$ for one full-time equivalent (1.0 FTE)
6 welder position.

7 The sum appropriated shall be expended by the Hawaii public
8 housing authority for the purposes of this Act.

9 SECTION 3. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$ or so much
11 thereof as may be necessary for fiscal year 2018-2019 for the
12 following to be used by Hawaii public housing authority in
13 connection with refuse collection:

- 14 (1) \$ for eight hundred fifteen refuse collection
15 bins;
16 (2) \$ for nineteen refuse collection front loader
17 trucks;
18 (3) \$ for eight scout trucks; and
19 (4) \$ for welding equipment.

20 The sum appropriated shall be expended by the Hawaii public
21 housing authority for the purposes of this Act.



1 SECTION 4. This Act shall take effect on January 1, 2050.



Report Title:

Civil Service; Establish Positions; Hawaii Public Housing
Authority

Description:

Appropriates funds for permanent civil service positions and
equipment for the Hawaii Public Housing Authority to provide
services historically and customarily performed by civil service
employees in connection with refuse collection. (HB2368 HD1)

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

