JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

RYAN I. YAMANE
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

TRISTA SPEER
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELAWE KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

February 23, 2026

TO: The Honorable Senator Donovan Dela Cruz, Chair
Senate Committee on Ways and Means

FROM: Ryan I. Yamane, Director

SUBJECT: **SB 3180 SD1 – RELATING TO STATE EMPLOYMENT.**

Hearing: February 25, 2026, 10:57 a.m.
Conference Room 211, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of the measure and provides comments.

DHS supports the provision repealing language that limits eighty-nine (89) day appointments to two terms. This repeal would allow the department to temporarily fill positions during recruitment, without requiring any additional explanation or authorization, to ensure services can be provided to the clients we serve.

However, we have concerns about the provision to abolish positions that have been vacant for more than 48 months. Positions that are difficult to fill within our department due to a lack of qualified and interested applicant pool, positions that are being redescribed due to reorganization, revision of qualifications, or classification actions, may extend the time the positions remain vacant. While we make it a priority to fill all of our positions, the ability to fill all of our much-needed positions has depended on the applicant pool, interest, qualifications, salary, departmental needs, and budget. We are interested in continuing to dialogue and collaborate to address these operational considerations.

Thank you for the opportunity to provide testimony on this measure.

JOSH GREEN, M. D.
GOVERNOR
KE KIAʻĀINA

SYLVIA LUKE
LT. GOVERNOR
KA HOPE KIAʻĀINA

BRENNA H. HASHIMOTO
DIRECTOR
KA LUNA HOʻOKELE

BRIAN K. FURUTO
DEPUTY DIRECTOR
KA HOPE LUNA HOʻOKELE

STATE OF HAWAIʻI | KA MOKUʻĀINA O HAWAIʻI
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
KA ʻOIHANA HOʻOMŌHALA LIMAHANA
235 S. BERETANIA STREET
HONOLULU, HAWAIʻI 96813-2437

Statement of
BRENNA H. HASHIMOTO
Director, Department of Human Resources Development

Before the
SENATE COMMITTEE ON WAYS AND MEANS
Wednesday, February 25, 2026
10:57AM
State Capitol, Conference Room 211

In consideration of
SB3180 SD1, RELATING TO STATE EMPLOYMENT

Chair Dela Cruz, Vice Chair Moriwaki, and members of the committee:

The Department of Human Resources Development (HRD) supports SB3180 SD1.

The purpose of SB3180 is to:

1. Repeal language limiting the temporary employment of a person in a single position to two terms of 89 days;
2. Require each department and agency to submit an annual report to the legislature that includes certain information about the department or agency's employment of 89-day hires; and
3. Automatically abolish positions that have been vacant for more than forty-eight months.

Under the current statute, Executive Branch directors may appoint individuals to two consecutive eighty-nine-day terms. To extend beyond two terms, directors must seek approval from the Governor—a responsibility delegated to the HRD Director. Additional appointments may be approved by HRD if certain conditions are met.

As amended in the SD1, this measure changes those conditions and allows departments to continue employing a person in the same vacant position for multiple terms of eighty-nine days with the governor’s approval, provided that the employing department justifies the continued use of the eighty-nine-day hire process through an annual report to the Legislature. HRD supports delegating this function to departments, as it promotes accountability and transparency. However, amendments to SD1 (found on page 2, lines 15-19) now require departments to request approval for every

appointment. HRD believes departments should retain the authority to assess their operational needs and determine appropriate staffing levels, including the use of short-term hires when necessary to maintain continuity of services. Providing departments with reasonable flexibility to employ individuals for limited durations supports timely service delivery while departments continue active recruitment for permanent civil service positions.

HRD requests the following amendments to SB3180 SD1:

- Revise page 2, lines 15-19:
  "…multiple terms of eighty-nine days; [~~provided that with the approval of the governor, a department or agency of the State may temporarily employ the same person in the same position for eight terms of eighty-nine days within a consecutive twenty-four-month period~~.]"

- Adding language to the bill by repealing HRS 76-28.5(b):
  ~~(b) This section shall not apply to periods of temporary employment when a person has been appointed to a vacant position arising as a result of:~~
  ~~(1) A workers' compensation claim;~~
  ~~(2) Medical leave;~~
  ~~(3) An ongoing investigation;~~
  ~~(4) A shortage category;~~
  ~~(5) A working condition differential;~~
  ~~(6) A remote geographical location;~~
  ~~(7) A seasonal demand for employees;~~
  ~~(8) A leave of absence taken by an incumbent who has return rights;~~
  ~~(9) A need to fill a department of education position for the delivery of special education services; or~~
  ~~(10) A position pending reorganization.~~

Subsection b defines certain conditions of when 89-day appointment may be approved by HRD. Should this measure move forward, to broaden the 89-day appointment requirements, subsection (b) should be repealed.

We understand the impact that long-term vacancies have on departmental operations and budgets. To this end, HRD identifies long-standing vacancies in its annual vacancy report (as required under Act 57, SLH 2019). The intent of SB3180 is to strengthen this effort by automatically abolishing positions vacant for more than forty-eight months, while allowing departments to justify retaining such positions before the Legislature.

This policy change will encourage departments and hiring managers to develop a hiring plan, rather than maintain vacancies. We believe this measure can help to improve workforce management across departments.

Thank you for the opportunity to provide testimony on SB3180 SD1. We are available to answer any questions or provide additional information as needed.

JOSH B. GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR

STACEY A. ALDRICH
STATE LIBRARIAN
Ke Poʻo Hale Waihona Puke Mokuʻāina

STATE OF HAWAIʻI
HAWAII STATE PUBLIC LIBRARY SYSTEM
ʻOIHANA HALE WAIHONA PUKE AUPUNI O KA MOKUʻĀINA O HAWAIʻI
OFFICE OF THE STATE LIBRARIAN
44 MERCHANT STREET
HONOLULU, HAWAIʻI 96813
(808) 586-3704

Senate Committee on Ways and Means
February 25, 2026, 10:57 a.m.
State Capitol, Room 211

SB 3180 SD1– Relating to State Employment

To: Sen. Donovan M. Dela Cruz, Chair
Sen. Sharon Y. Moriwaki, Vice Chair
Members of the Senate Committee on Ways and Means

The Hawaiʻi State Public Library System (HSPLS) **provides comments on** SB3180 SD1 which repeals language that limits the temporary employment of a person in a single position for 2 terms of 89 days; requires each department and agency to submit an annual report to the Legislature that includes certain information about the department or agency's employment of 89-day hires; and automatically abolishes positions that have been vacant for more than 48 months.

The HSPLS shares the following comments regarding SB3180 SD1 as written:

- **Supports the repeal of the two 89-day terms per individual**. This limitation was enacted at a time when there were more eligible employees than vacant positions. The opposite is true now. Eliminating the limitation on individuals provides departments with flexibility to find temporary help. This flexibility allows departments to identify and hire individuals while they earn job experience, particularly for hard-to-fill or entry-level positions which require specialized experience.

- **Opposes abolishing positions that have been vacant for more than 48 months.** HSPLS has 567 positions and one classifier, who reviews all position descriptions and redescriptions. Until the State's personnel system is simplified, imposition of artificial deadlines only negatively impacts the department's ability to meet its service to the communities of the State of Hawaii.

- HSPLS recruitment is currently managing approximately 60 recruitments simultaneously, making it difficult for some positions to meet the 48-month deadline. HSPLS does not have enough of our own personnel staffing nor the authority or expertise to handle some issues related to hiring that is currently delegated to Department of Human Resources Development (DHRD), such as bargaining unit exclusion, EMCP, and certain selective certification requirements which require DHRD and/or union concurrence.

- The entire recruitment process, even if an ideal candidate is identified and hired, will take several months to complete.

- During the pandemic, for three fiscal years or 36 months, HSPLS did not have funding for 64 positions, almost doubling our normal vacancy rate. Lack of funding does not eliminate the need for the position. Instead, it requires us to prioritize one communities' needs over another. Imposing a 48-month restriction only makes it more difficult, as we still are trying to hire with reduced funding due to budget restrictions and working with an archaic personnel system.

In this difficult labor market, rather than focusing on adding restrictions, HSPLS respectfully requests changes that would help simplify and expedite the hiring process. Imposing additional restrictions and even eliminating positions will only negatively impact communities statewide.

Thank you for the opportunity to testify on SB3180 SD1 and for your continued support of the Hawai‘i State Public Library System.

JOSH GREEN, M.D.
GOVERNOR

KEITH T. HAYASHI
SUPERINTENDENT

STATE OF HAWAI`I
DEPARTMENT OF EDUCATION
KA ʻOIHANA HOʻONAʻAUAO
P.O. BOX 2360
HONOLULU, HAWAI`I 96804

Date: 02/25/2026
Time: 10:57 AM
Location: CR 211 & Videoconference
Committee: WAM

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: SB3180, SD1, RELATING TO STATE EMPLOYMENT.

Purpose of Bill: Repeals language that limits the temporary employment of a person in a single position for 2 terms of 89 days. Requires each department and agency to submit an annual report to the Legislature that includes certain information about the department or agency's employment of 89-day hires. Automatically abolishes positions that have been vacant for more than 48 months. Effective 1/1/2077. (SD1)

Department's Position:

The Hawaii State Department of Education (Department) provides comments on SB 3180 SD 1.

The Department supports the provision to repeal language that limits eighty-nine (89)-day appointments to two terms. This modification would provide valuable flexibility by allowing the Department to recruit for and fill positions.

However, we have concerns regarding the provision to abolish positions vacant for more than 48 months. While we recognize the intent to make sure agencies recruit and fill positions expeditiously, there are certain circumstances that can extend vacancy timelines, including pending reorganizations, classification actions, or budget-related considerations. Also, the Department has positions in remote geographic locations that, at times, present unique recruitment challenges.

Additionally, we seek clarification on the language requiring the Governor's approval to temporarily employ the same person in the same position for “multiple” terms, including whether approval must be obtained prior to each 89-day appointment. This approval requirement could create unforeseen administrative delays, prolong the hiring process, and potentially lead to the loss of a candidate.

Furthermore, the abolishment of appropriated positions requires amendments to the budget via the General Appropriations Act or the Supplemental Appropriations Act and cannot be done “automatically”. The timing of when the four-year vacancy period ends and when a budget is enacted may create unintended consequences. For example, if

the four-year period ends right after a budget is enacted, the change could not occur until the next year's budget is enacted. This could mean departments have to keep positions artificially vacant to comply with the "automatic" abolishment provision until the change can be effectuated via a budget act.

We welcome the opportunity to collaborate with the Legislature to address these operational considerations.

Thank you for the opportunity to provide testimony on SB 3180 SD 1.

GRASSROOT INSTITUTE OF HAWAII

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Honolulu, HI 96813
808-864-1776
info@grassrootinstitute.org

Removing barriers to Hawaii's prosperity

Feb. 25, 2026, 10:57 a.m.
Hawaii State Capitol
Conference Room 211 and Videoconference

To: Senate Committee on Ways and Means
Sen. Donovan M. Dela Cruz, Chair
Sen. Sharon Y. Moriwaki, Vice Chair

From: Grassroot Institute of Hawaii
Ted Kefalas, Director of Strategic Campaigns

RE: TESTIMONY IN SUPPORT OF SB3180 SD1 — RELATING TO STATE EMPLOYMENT

Aloha chair, vice chair and other committee members,

The Grassroot Institute of Hawaii **supports** SB3180 SD1, which would automatically abolish state positions that remain vacant for more than 48 months, unless the Legislature "affirmatively retains and funds the position."

Additionally, the bill would allow departments to use temporary, 89-day hires to fill vacant positions for as many as 48 months before the position would be abolished, replacing the current temporary hire limitation of only two 89-day terms.

This legislation recognizes the hiring challenges that many state agencies face, while proposing smart changes to more efficiently use taxpayer dollars.

As of Nov. 1, 2025, the state had 4,273 vacant civil service positions, 485 of which had been vacant for four years or more.[1] The majority of these jobs remain funded by the Legislature.

Tying up state resources for chronically vacant positions inhibits the Legislature's ability to respond to fiscal pressures.

[1] "Report to the 2026 Legislature as Required by Act 57, Session Laws of Hawaii 2019," Hawaii Department of Human Resources Development, updated Jan. 8, 2026, pp 1-2 and Appendix A. Note that this figure does not include Hawaii Department of Education positions.

Grassroot has estimated that abolishing all of the state's vacant positions would free up more than $350 million in tax dollars that could be allocated elsewhere.[2]

Abolishing just 10% of those positions, as recommended by this bill, could provide $30 million.

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

[2] Keli'i Akina, "Alternatives to 'pausing' Hawaii's income tax cuts," Grassroot Institute of Hawaii, Jan. 19, 2026.

UNITED PUBLIC WORKERS

AFSCME Local 646, AFL-CIO

THE SENATE
KA ʻAHA KENEKOA

THE THIRTY-THIRD LEGISLATURE
REGULAR SESSION OF 2026

COMMITTEE ON WAYS AND MEANS
Senator Donovan M. Dela Cruz, Chair
Senator Sharon Y. Moriwaki, Vice Chair

Wednesday, February 25, 2026, 10:57 AM
Conference Room 211 & Videoconference

Re: Testimony on SB3180, SD1 – RELATING TO STATE EMPLOYMENT

Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Committee:

The United Public Workers, AFSCME Local 646, AFL-CIO ("UPW") is the exclusive bargaining representative for approximately 12,000 public employees, which includes blue collar, non-supervisory employees in Bargaining Unit 1 and institutional, health, and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties.

UPW provides **comments** on SB3180, SD1, which repeals language that limits the temporary employment of a person in a single position for 2 terms of 89 days and requires each department and agency to submit an annual report to the Legislature that includes certain information about the department or agency's employment of 89-day hires. This bill also automatically abolishes positions that have been vacant for more than 48 months.

We are slightly concerned about the long-term impact the proposed automatic abolishment of positions that have been vacant for more than 48 months will have on existing public employees and government operations. UPW shares the Legislature's frustration with departments and agencies that continue to struggle with filling their vacant positions. However, we believe the abolishment of positions will ultimately punish hard-working public servants who continue to perform their duties despite significant staffing shortages.

Mahalo for the opportunity to testify on this measure.

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Toll Free - *Molokai/Lanai only*

SB-3180-SD-1
Submitted on: 2/23/2026 11:50:09 PM
Testimony for WAM on 2/25/2026 10:57:00 AM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Comments	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Comment

3180 SB RELATING TO STATE EMPLOYMENT.

ABOLISH VACANT POSITION W/I 12 MONTHS AND NOT 24 MOS.

CROSS TRAINING STAFF

To: Senator Donovan M. Dela Cruz, Chair
Senator Sharon Y. Moriwaki, Vice Chair
Committee on Ways and Means

From: Veronica Moore, Individual Citizen

Date: February 24, 2026

RE: Senate Bill 3180 SD1
Measure Title: RELATING TO STATE EMPLOYMENT.
Report Title: State Employment; Temporary Employment; Eighty-Nine-Day Hires; Limits; Abolishment; Annual Reports

To All Concerned,

My name is Veronica Moore and I support Senate Bill 3180 SD1. Thank you for your consideration.

Sincerely,

Veronica M. Moore

HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-Third Legislature, State of Hawaii
The Senate
Committee on Ways and Means

Testimony by
Hawaii Government Employees Association

February 25, 2026

S.B. 3180, S.D. 1 — RELATING TO RELATING TO STATE EMPLOYMENT

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO wishes to provide comments on S.B. 3180, S.D. 1, which repeals language that limits the temporary employment of a person in a single position for 2 terms of 89 days, and automatically abolishes positions that have been vacant for more than 48 months.

We **oppose** part of this measure which repeals language that limits the temporary employment of a person in a single position for 2 terms of 89 days. 89-day hires have no rights, benefits, or job protections. This measure proves again that DHRD is failing at recruiting and retaining government employees. Our civil service system and DHRD is not flexible or competitive at meeting the current job market and public demands, as year after year we see no improvement in our state vacancy rate, coupled with an increase in positions exempt from civil service. We urge the legislature to make structural changes to DHRD and our civil service system so that we can competitively recruit and retain qualified employees.

Furthermore, we caution the legislature to broadly abolish vacant positions if they haven't been filled within a certain time frame. However, we have been advocating for years that vacant position money be used to increase the salary for the incumbents. Therefore, if the legislature looks to implement a framework to abolish vacant positions, then that vacant position money should solely be used to increase the salary for the incumbents within those positions, since those employees are already doing the work that was intended for the positions that remain vacant.

Thank you for the opportunity to provide comments on S.B. 3180, S.D. 1.

Respectfully submitted,

Randy Perreira
Executive Director

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR

JADE T. BUTAY
DIRECTOR

WILLIAM G. KUNSTMAN
DEPUTY DIRECTOR

STATE OF HAWAIʻI
KA MOKUʻĀINA O HAWAIʻI
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
KA ʻOIHANA PONO LIMAHANA

February 25, 2026

To: The Honorable Donovan Dela Cruz, Chair,
The Honorable Sharon Moriwaki, Vice Chair, and
Members of the Senate Committee on Ways and Means

Date: Wednesday, February 25, 2026
Time: 10:57 a.m.
Place: Conference Room 211, State Capitol

From: Jade T. Butay, Director
Department of Labor and Industrial Relations (DLIR)

Re: S.B. 3180 S.D.1 RELATING TO STATE EMPLOYMENT

I. OVERVIEW OF PROPOSED LEGISLATION

The **DLIR offers comments** on this measure, which amends the temporary employment provisions in HRS Chapter 76, Hawai'i's Civil Service Law. The Department supports removing the restrictive 89-day appointment provision for generally funded positions but does not support reinstating the Governor's or DHRD approval requirement. The DLIR also suggests an amendment to clarify the new language on Pg. 4 of the proposal.

While the DLIR appreciates efforts to increase transparency and efficiency in public employment, the measure imposes an extensive reporting obligation. For context, DLIR submitted eighty-seven (87) reports to the current Legislature.

Although §76-28.5 applies only to positions wholly funded by general funds, some public employers may interpret it to include all positions regardless of Means of Financing (MOF). Therefore, DLIR has serious concerns regarding the 48-month automatic abolishment provision, which could inadvertently reduce the department's flexibility to respond to critical situations.

II. CURRENT LAW

§76-28.5 currently limits temporary employment in civil service positions wholly funded by general funds to two 89-day terms or up to eight 89-day terms with the Governor's approval. It also provides a limited number of exceptions to this restriction.

III. COMMENTS ON THE SENATE BILL

DLIR has serious concerns about the potential impact of this measure. It is unclear whether the reporting provision applies to all positions regardless of Means of Financing (MOF), or whether the automatic abolishment also applies universally. Additionally, the mechanism for implementing the new paragraph on page 4 is ambiguous: specifically, whether it functions through the annual legislative deliberations on the executive budget. If this interpretation is correct, some of the Department's concerns would be alleviated.

The Department appreciates the Legislature's careful review and its thoughtful consideration of DLIR's distinct staffing patterns and blended funding structure during the executive budget process. The DLIR values the productive communication with the money committees throughout the budget process. Regardless of fiscal constraints, these discussions have consistently resulted in outcomes that protect essential services for the populations served by DLIR while safeguarding taxpayer interests.

If the auto abolishment does not occur during budget deliberations, then the DLIR would have grave concerns. A mechanism outside of the budget process could inadvertently significantly reduce the department's flexibility to respond to critical situations, particularly for programs funded by federal dollars. Maintaining federally funded vacancies is essential for rapid deployment when supplemental funding becomes available. Further, special, revolving, and trust funds are self-sustaining and earmarked for specific purposes. Eliminating positions funded by these sources does not reduce general fund expenditure and undermines the financial structure designed to support vital services.

To provide clarity regarding the intent of the new language on Pg. 4, the DLIR suggests specifying "wholly generally funded" on line 1 as well as ""shall be abolished only if the legislature fails to affirmatively retain and fund the position."

The Department appreciates the intent of this measure to improve efficiency in public employment. The DLIR notes that long-term vacancies often result from recruitment challenges beyond DLIR's control. Rigid minimum qualification requirements and inflexible standards—such as narrowly defined experience criteria—limit the ability to consider candidates with relevant, transferable skills.

Thank you for the opportunity to provide testimony on this vital matter.