

STAND. COM. REP. NO. **2006**

Honolulu, Hawaii

FEB 02 2012

RE: S.B. No. 2213
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 2213 entitled:

"A BILL FOR AN ACT RELATING TO CIVIL SERVICE,"

begs leave to report as follows:

The purpose and intent of this measure is to require a public employer to consider another position within the same department for which the employee is qualified prior to discharging an employee due to failing to meet performance requirements.

Your Committee received testimony in support of this measure from the Department of Human Resources Development; and the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO. Testimony in opposition to this measure was submitted by one private individual. The Department of Human Resources of the City and County of Honolulu submitted comments.

Your Committee finds that a public employer is required to consider the feasibility of transferring an employee to another position for which the employee was considered prior to discharge. However, the scope of the current statutory language fails to define the scope of the job search. As a result, state departments, counties, and other jurisdictions each have their own interpretation of the job search scope. Your Committee believes that this measure will provide further uniformity and consistency in the application of the law.

Your Committee has amended this measure by:

2012-0761 SSCR SMA.doc



- (1) Adding clarifying language that the appointing authority is required to consider another position within the department of the appointing authority; and
- (2) Making technical, nonsubstantive changes 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. 2213, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2213, S.D. 1, and be referred to the Committee on Ways and Means.

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




CLAYTON HEE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 2213	Committee Referral: JDL, WAM	Date: 1/26/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> ^{MS} Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les		✓		
SLOM, Sam	✓			
TOTAL	4	1		
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes