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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 purpose of this Act is to seek  
2 authorization of permanent civil service position counts and  
3 appropriate out of the general and non-general funds of the  
4 State of Hawaii for these positions to support state agency  
5 operations.

6           SECTION 2. In 1997, the Hawaii supreme court ruled in  
7 Konno v. Hawaii County that Hawaii county violated civil service  
8 laws and merit principles when it hired private contractors to  
9 perform landfill operations work. The court ruled that state  
10 civil service laws allowed only civil service employees to  
11 perform work historically and customarily done by civil service  
12 employees.

13           In response to Konno, Act 90 was enacted in 2001. Act 90,  
14 part II, allowed the State of Hawaii to contract for services  
15 historically and customarily performed by civil service  
16 employees if equivalent or better services could be provided at



1 lower cost. However, Act 90, part II, was repealed on June 30,  
2 2007.

3 After Act 90 was repealed, the United Public Workers filed  
4 class grievances as well as lawsuits in circuit court arguing  
5 that the State of Hawaii and the counties should cease the  
6 practice of contracting for services historically and  
7 customarily performed by civil service employees. Over time,  
8 the counties reached settlements with the United Public Workers,  
9 leaving only the claims against the State of Hawaii.

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

18 Without a sufficient number of civil service positions and  
19 employees to perform services historically and customarily  
20 performed by United Public Workers-type employees, state  
21 agencies have had to resort to contracting for these services.



1 In order to address this situation and enable state agencies to  
2 comply with the Konno ruling, it is estimated that the State  
3 will need an additional 502 permanent positions and  
4 approximately \$30,886,984 (for positions and associated  
5 equipment) in general and non-general funds in order to provide  
6 necessary services to the public through civil service employees  
7 rather than through contractors.

8 The process of identifying position and equipment funding  
9 needs is on-going and thus subject to change. The above-  
10 referenced figures are best estimates as of January 11, 2016.

11 SECTION 3. In an effort to establish more efficient,  
12 effective and productive ways of fulfilling departmental  
13 operational needs with regard to work historically and  
14 customarily performed by blue collar civil service personnel,  
15 the following focused initiatives are proposed:

16 (1) **Department of public safety:** 1 plumber II position  
17 and 1 electrician II position at a cost of  
18 approximately \$112,260 for a multi-skilled worker team  
19 to provide services at the correctional facilities on  
20 Oahu (Halawa correctional facility, Oahu community



1           correctional center, Waiawa correctional facility, and  
2           women's community correctional center).

3           (2) **Department of public safety:** 1 plumber II position  
4           and 1 electrician II position at a cost of  
5           approximately \$112,260 for a multi-skilled worker team  
6           to provide services at the correctional facilities on  
7           Hawaii island (Hawaii community correctional center  
8           and Kulani correctional facility).

9           (3) **Department of land and natural resources (division of**  
10           **state parks):** 2 tree trimmer positions, 2 tree  
11           trimmer-truck driver positions, 1 plumber position, 2  
12           general laborer positions, and 1 building maintenance  
13           worker II position at a cost of approximately \$343,092  
14           for a multi-skilled worker team to provide services at  
15           the various parks on Kauai. Equipment will also be  
16           needed at a cost of approximately \$625,000.

17           (4) **Department of land and natural resources (division of**  
18           **boating and ocean recreation):** 4 general laborer  
19           positions and 1 building maintenance worker II  
20           position at a cost of approximately \$198,924 for a  
21           multi-skilled worker team to provide services at the



1 various harbors on Oahu. Equipment will also be  
2 needed at a cost of approximately \$120,000.  
3 (5) Department of defense: 1 building maintenance worker  
4 I position, 2 equipment operator positions (1 BC09, 1  
5 BC06), 4 general laborer II positions, and 1 general  
6 laborer supervisor I position at a cost of  
7 approximately \$313,480 for a multi-skilled worker team  
8 to provide services at the Hawaii state veteran's  
9 cemetery. Equipment will also be needed at a cost of  
10 approximately \$365,000.

11 SECTION 4. In an effort to provide the department of  
12 accounting and general services, as the central agency, with  
13 resources to provide services to other state executive branch  
14 agencies, the following positions are requested (which comprise  
15 only a portion of the total positions needed by the department  
16 of accounting and general services):

17 (1) Department of accounting and general services: 1  
18 building and grounds custodian II position or janitor  
19 II position at a cost of approximately \$37,000 to  
20 provide services at various facilities on Maui.



1 Equipment, tools, and supplies will also be needed at  
2 a cost of approximately \$6,000.

3 (2) Department of accounting and general services: 2  
4 refuse collectors and 2 heavy truck drivers at a cost  
5 of approximately \$169,866 to provide refuse collection  
6 services at various locations on Oahu. 2 refuse  
7 trucks and other equipment will also be needed at a  
8 cost of approximately \$760,000.

9 SECTION 5. 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 2016-2017 to the  
12 department of public safety for:

13 (1) 1 plumber II position and 1 electrician II position  
14 for a multi-skilled worker team to provide services at  
15 the correctional facilities on Oahu; and

16 (2) 1 plumber II position and 1 electrician II position  
17 for a multi-skilled worker team to provide services at  
18 the correctional facilities on Hawaii island.

19 The sum appropriated shall be expended by the department of  
20 public safety for the purposes of this Act.



1 SECTION 6. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$ or so much  
3 thereof as may be necessary for the fiscal year 2016-2017 to the  
4 department of land and natural resources for:

5 (1) 2 tree trimmer positions, 2 tree trimmer-truck driver  
6 positions, 1 plumber position, 2 general laborer  
7 positions, and 1 building maintenance worker II  
8 position (plus equipment) for a multi-skilled worker  
9 team to provide services at the various parks on Kauai  
10 (division of state parks); and

11 (2) 4 general laborer positions and 1 building maintenance  
12 worker II position (plus equipment) for a multi-  
13 skilled worker team to provide services at the various  
14 harbors on Oahu (division of boating and ocean  
15 recreation).

16 The sum appropriated shall be expended by the department of  
17 land and natural resources for the purposes of this Act.

18 SECTION 7. There is appropriated out of the general  
19 revenues of the State of Hawaii the sum of \$ or so much  
20 thereof as may be necessary for fiscal year 2016-2017 to the  
21 department of defense for 1 building maintenance worker I



1 position, 2 equipment operator positions, 4 general laborer II  
2 positions, and 1 general laborer supervisor I position (plus  
3 equipment) for a multi-skilled worker team to provide services  
4 at the Hawaii state veteran's cemetery.

5 The sum appropriated shall be expended by the department of  
6 defense for the purposes of this Act.

7 SECTION 8. There is appropriated out of the general  
8 revenues of the State of Hawaii the sum of \$ or so much  
9 thereof as may be necessary for fiscal year 2016-2017 to the  
10 department of accounting and general services for:

- 11 (1) 1 building and grounds custodian II position or
- 12 janitor II position (plus equipment and supplies) to
- 13 provide services at various facilities on Maui; and
- 14 (2) 2 refuse collector positions and 2 heavy truck driver
- 15 positions (plus refuse trucks and other equipment) to
- 16 provide services at various locations on Oahu.

17 The sum appropriated shall be expended by the department of  
18 accounting and general services for the purposes of this Act.

19 SECTION 9. This Act shall take effect on July 1, 2091.





**Report Title:**

Civil Service; Establish Positions

**Description:**

Authorizes establishment of civil service positions and appropriates associated general and non-general funds to enable Executive Branch departments to provide services to the public with civil service employees rather than through contracting.  
(HB2351 HD1)

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

