



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Testimony Presented Before the  
House Committee on Labor and Public Employment  
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By  
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### SB 2610 SD1 – RELATING TO STATE EMPLOYEES

Chair Johanson, Vice Chair Holt, and members of the committee:

Thank you for the opportunity to comment on SB 2610 SD1 that adds a definition of interns to the State Ethics Code to include those who perform unpaid service as part of an internship program established by a private or public post-secondary educational institution.

While the University of Hawai'i (UH) supports the intent of this measure to apply the Ethics Code to interns who function as state employees, as the State of Hawai'i Ethics Commission did in its testimony on SB 2610, we respectfully request clarification of the definition of and type of "intern" intended to be covered in this bill.

For example, is a student that is working part-time as part of his/her financial aid package or in exchange for credit included in this definition? Is that part-time student, if interning for longer than 180 days, bound by the provisions of Sections 84-15 (contracts)<sup>1</sup> and 84-18 (post-employment)<sup>2</sup> of the Hawaii Revised Statutes? And are

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<sup>1</sup> **§84-15 Contracts.** (a) A state agency shall not enter into any contract to procure or dispose of goods or services, or for construction, with a legislator, an employee, or a business in which a legislator or an employee has a controlling interest, involving services or property of a value in excess of \$10,000 unless:

- (1) The contract is awarded by competitive sealed bidding pursuant to section 103D-302;
- (2) The contract is awarded by competitive sealed proposal pursuant to section 103D-303; or
- (3) The agency posts a notice of its intent to award the contract and files a copy of the notice with the state ethics commission at least ten days before the contract is awarded.

<sup>2</sup> **§84-18 states in relevant part:**

(c) No former employee, within twelve months after termination of the former employee's employment, shall represent any person or business for a fee or other consideration, on matters in which the former employee participated as an

University students who participate in internships at the University or State agencies as part of educational programs or courses intended to be covered by these same sections of the Ethics Code?

Consistent with the intent of this bill, we would respectfully request that a meaningful delineation be made between part-time and full-time interns, and that an exception be made for students participating in internships as part of educational programs or courses, in the section that pertains to post-secondary educational institutions (Page 1, lines 5-9), such that the provision would read:

(1) Any person who performs unpaid services for the State for 40 or more hours per week as part of an internship program established by a private or public secondary or post-secondary educational institution, provided that "person" shall not include University of Hawaii students participating in internships required as part of educational programs or courses;

This delineation would clarify that part-time interns and those University students participating in unpaid internships as part of their coursework are not subject to the same post-employment and contracting restrictions as full-time employees just by nature of participation in course-required internships.

Thank you very much for the opportunity to provide testimony.

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employee or on matters involving official action by the particular state agency or subdivision thereof with which the former employee had actually served. This section shall not apply to a former task force member who, but for service as a task force member, would not be considered an employee.

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(e) This section shall not apply to any person who is employed by the State for a period of less than one hundred and eighty-one days.