



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Testimony Presented Before the  
Senate Committee on Ways and Means  
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By  
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### HB 2008 HD2 PROPOSED SD2 – RELATING TO PUBLIC EMPLOYMENT

Chair Tokuda, Vice Chair Dela Cruz, and members of the Committee:

I am respectfully submitting written testimony on behalf of the University of Hawai'i regarding House Bill 2008 House Draft 2, Proposed Senate Draft 2 – Relating to Public Employment – which proposes to amend HRS, Chapter 76, Civil Service Law, by adding a new section that will a) prohibit departments, including the University of Hawai'i, from hiring individuals for more than two (2) terms of eighty-nine (89) days; provided that with approval of the governor, a department may temporarily employ a person for four (4) consecutive terms of 89 days or for twenty-four (24) consecutive months; b) requires the automatic abolishment of any position filled by a temporary employee hired for a term of 89 days and filled by that employee for more than 24 consecutive months, and c) and provides limited exemptions for periods of temporary employment when a person has been appointed to a vacant position arising as a result of a workers' compensation claim; medical leave; an on-going investigation a shortage differential; a working condition differential; or a remote geographical location.

The University of Hawai'i has significant concerns regarding the passage of HB 2008 HD2 Proposed SD2, as we believe it will hinder and jeopardize our ability to provide timely and necessary services and support to the University constituents, especially our students, and the greater community at large. Specifically, the bill requires approval of the governor should the need exceed 2 consecutive terms, which may delay the provision of critical services should unexpected delays occur in filling positions. In addition, the bill provides for the automatic abolishment of any position filled by a temporary employee hired for a term of 89 days and filled by that employee for more than 24 consecutive months, with limited exemptions. The list of exemptions is not exhaustive as it does not include military leave, family leave, and other authorized leaves. In addition, in a state with low unemployment relative to other states, our recruitment timelines have been affected. HB 2008 HD2 Proposed SD2 would impact our ability to provide necessary academic and student support services in campus departments; a safe and healthy learning and working campus environment; and compliance with existing and new federal and state statutes, regulations, and other government guidelines.

While the University acknowledges the legislature's intent to curtail the abuse of short-term temporary appointments, HB 2008 HD2 Proposed SD2 will take away the flexibility and tools critical for management to address the intermittent and immediate short-term services in a timely manner that allow the University to fulfill its mission, purpose, and goals in serving our students and the greater community at large. The use of temporary appointments of 89-days or less allows the University campuses and colleges to provide and fulfill Board of Regent's mandates and services by the creation of short-term employment positions in areas such as academics, student services, institutional support, administration, and operations.

In the alternative, we recommend exceptions to the prohibitions in the bill in situations that present a health and safety concern and/or compliance with federal and state laws, rules, and regulations; or rather than immediately imposing the restrictive language that HB 2008 HD2 Proposed SD2 suggests on the University and other State departments, we suggest a more collaborative approach by creating a task force to study the concerns raised with various stakeholders. The task force would then develop a plan and approach in addressing all issues in a balanced and fair manner.

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