

PIA Committee

From: Asato, Karlie <kasato@hgea.org>
Sent: Wednesday, June 22, 2016 8:37 AM
To: PIA Committee
Subject: HGEA Testimony: PIA-10 (3) and PIA-10 (13)
Attachments: HGEA Testimony - PIA-10 (3).pdf; HGEA Testimony - PIA-10 (13).pdf

Good Morning,

Please find attached two testimonies submitted by the Hawaii Government Employees Association in strong opposition to the following proposed Maui County Charter Amendments:

1. PIA-10 (3), proposed charter amendment restricting county employees political activity
2. PIA-10 (13), proposed charter amendment relating to the code of ethics (would give the Board of Ethics the power to demote, suspend, discharge an employee or place them on probation)

The hearing is scheduled for Monday, June 27 at 9 a.m. before the Policy and Intergovernmental Affairs Committee.

Thank you,
Karlie

Karlie Asato

Legislative Support Staff

Hawaii Government Employees Association / AFSCME Local 152
888 Mililani Street, Suite 401, Honolulu, HI 96813-2991
Main 808.543.0000 | Direct 808.543.0053 | Fax 808.528.4059
kasato@hgea.org | www.hgea.org | [Facebook](#) | [Twitter](#)



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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

**Maui County Council
Policy and Intergovernmental Affairs Committee**

Testimony by
Hawaii Government Employees Association
June 27, 2016

**PROPOSING AN AMENDMENT TO THE
REVISED CHARTER OF THE COUNTY OF MAUI
(1983), AS AMENDED, RELATING TO THE
CODE OF ETHICS (PIA-10 (3))**

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO opposes the provision in this proposed Maui County Charter Amendment that would give the Board of Ethics the power to demote, suspend, discharge an employee or place them on probation. The authority to take disciplinary action against an employee must rest with the appointing authority and not an unelected board or commission.

Under the Charter of the City and County of Honolulu, the Honolulu Ethics Commission may impose civil fines established by ordinance against elected officials, appointed officers and employees with significant discretionary or fiscal authority. In addition, it may recommend appropriate disciplinary action against officers and employees who are found to have violated the standards of conduct in the Charter or ordinance. The appointing authority retains the power to take disciplinary action against the officer or employee. However, the appointing authority must promptly notify the Ethics Commission of its action taken on the recommendation (Section 11-107 Revised Charter of the City & County of Honolulu).

Therefore, the County of Maui should not permit the Board of Ethics to take disciplinary action against employees. That is inappropriate and actually undermines the responsibility granted to the appointing authority.

Thank you for the opportunity to submit testimony in opposition to the proposed charter amendment.

Respectfully submitted,

Randy Perreira
Executive Director



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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

Maui County Council Policy and Intergovernmental Affairs Committee

Testimony by
Hawaii Government Employees Association
June 27, 2016

PROPOSED CHARTER AMENDMENT RESTRICTING COUNTY EMPLOYEES POLITICAL ACTIVITY PIA-10 (13)

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly opposes the purpose and intent of the proposed Maui County Charter Amendment, which would prohibit county employees from making campaign contributions to support or oppose any candidate for County elected office. This proposed charter amendment raises serious First Amendment issues. Simply because an individual is a Maui County employee should not mean they must give up their right to participate in the political process, including contributing to candidates who are seeking to become mayor or a member of the Maui County Council.

County employees, while on their own time, should be able to express their personal opinions on campaign issues, contribute to political campaigns and volunteer for campaigns. These rights, however, should be restricted while public employees are at work, representing the employer, and in some rare instances when in conflict with an employee's official duties.

It is wrong to treat Maui County employees differently than other people because of their political activities outside the workplace. Both State and County ethics laws prohibit public employees from campaigning on work time or using their position for private benefit. Even the Hatch Act, which places a number of significant restrictions on federal employees' political activities, permits them to contribute to federal political campaigns.

Thank you for the opportunity to submit testimony in strong opposition to the proposed charter amendment. We recommend that the Policy and Intergovernmental Affairs Committee hold this proposed charter amendment.

Respectfully submitted,

Randy Perreira
Executive Director