



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Testimony Presented Before the  
Senate Committee on Higher Education  
June 23, 2020 at 3:00 p.m.

By  
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### HB 2091 HD1 – RELATING TO CRIMINAL HISTORY RECORD CHECKS

Chair Kim, Vice Chair Kidani, and members of the committee:

Thank you for the opportunity to submit testimony in support of HB 2091 HD1 with recommended amendments. HB 2091 HD1 amends subsection (b) of section 846-2.7, Hawai'i Revised Statutes, to provide that the University of Hawai'i (University) or its designee may conduct criminal history record checks on current or prospective employees, including student employees and contractors and their employees, whose positions or duties include ensuring the security of campus facilities and persons. In summary, the purpose of the bill is to add the University to the list of agencies that are authorized to conduct criminal history record checks, specifically on those employees who will be entrusted with public safety.

The University is responsible for ensuring the safety and security of facilities and persons on its campuses. The University community includes students, employees, and members of the public. Some students are still minors; some students live in on-campus residences; and some University functions are held at night. Accordingly, our public safety employees may be called upon to patrol residence areas, or other campus locations, at night; to provide walking escorts or vehicle transportation to anyone walking alone at night; or to receive reports of crimes, including sexual assaults.

University Security Officers (USOs) are civil service employees whose recruitment has historically been performed by the Department of Human Resources Development (DHRD). It is, however, a class of work that is unique only to the University. Effective September 2019, the University entered into a delegation agreement with DHRD to perform all tasks associated with recruiting, selecting, and hiring a USO, except for the task of completing background checks. At this time, the University currently performs the following tasks: post job announcements, screen applications, and establish a qualified applicant pool for all USO positions. Since September, we have conducted 6 external recruitments and it has taken the University approximately one month to complete these delegated tasks. Without the delegation, this process would have taken an average of three to four months. Due to limiting language in the law, however, DHRD is unable to delegate background checks to the University. This measure will enable DHRD to also delegate to the University the authority to conduct background checks, which will fully authorize the University to perform all aspects of the USO recruitment process.

Currently, there are 159.0 USO positions throughout the 10 campuses at the University of Hawai'i. We anticipate processing approximately 15 recruitments a year. Under this bill, the University will be able to further streamline the hiring process, with the consent of DHRD, which ensures a strong presence of USOs on our campuses. Background checks will be conducted in a manner similar to DHRD's current process, which includes fingerprinting and submitting the fingerprints to the Hawai'i Criminal Justice Data Center (HCJDC) and the FBI. Should outside vendors be used to conduct the criminal background checks, the estimated cost would be between \$40.00 and \$90.00 per background check.

Recently, the University received an inquiry from the Federal Bureau of Investigations via the Office of the Attorney General regarding the need for designees to be authorized under the proposed amendment. The use of the term "or its designee" was primarily to be consistent with similar provisions in the statute and to support the use of third parties to conduct the background check. It is the University's understanding, however, that such language is not needed to address either concern. Therefore, to avoid confusion, the University requests that the language "or its designee" be removed from the proposed amendment.

For these reasons, we respectfully submit this testimony in strong support of HB 2091 HD1 with the requested revisions. Thank you for the opportunity to testify.