

November 13, 2009

ADMINISTRATIVE DIRECTIVE NO. 09-02

TO: All Department Heads And Agency Heads

SUBJECT: Use Of The Hawaii "HireNet" System For Jobs Resulting From Expenditure Of American Recovery And Reinvestment Act (ARRA) Funds

Discussion:

The Governor, as the Chief Executive of the State, has discretion in determining how contracts related to the American Recovery and Reinvestment Act of 2009 ("ARRA") shall be designed and implemented. The ARRA has several purposes including (1) to preserve and create jobs and promote economic recovery; and (2) to assist those most impacted by the recession. To that end, it is beneficial that a statewide system be used to facilitate the recruitment of jobs by state agencies and by those organizations that create direct jobs that result from the expenditure of ARRA funds. To that effort, it is incumbent on state government to connect workers to ARRA jobs in an efficient and effective manner.

Further, federal guidance from the U.S Department of Labor under Training and Employment Guidance Letter ("TEGL") No. 14-8 strongly recommends that jobs created by the ARRA be listed on State Job Banks. This recommendation helps to fulfill the state's obligation in describing how ARRA funded job training is connected to ARRA created jobs. Additionally, ARRA job training grants, both formula and competitive, require that funding used for training and placement of displaced workers be connected to new job openings created by ARRA funds.

The State of Hawaii's Job Bank is the HireNet Hawaii system. The HireNet Hawaii system is a comprehensive internet-based workforce center system designed to connect employers and jobseekers with the resources of the entire workforce investment system. Within the Hawaii workforce network is HireNet, the official website for employer vacancy listings.

Policy

For the purposes of this Administrative Directive, the definition of direct jobs is those jobs which are solely funded by the ARRA or where at least fifty percent of the job is funded by ARRA funds.

Pursuant to this Administrative Directive, all state agencies that prepare ARRA funded contracts for procurement will ensure that contract language is added to ensure that the HireNet system shall be used by employers, contractors or subcontractors to post all public and private jobs available as a result of the ARRA funding. Additionally, Executive Branch agencies that create or fund an existing, unfilled position utilizing ARRA funds shall ensure that the position is posted on HireNet Hawaii. The following exceptions apply:

1. Posting is not required where an employer (public and private), contractor or subcontractor of an ARRA-funded state contract intends to fill the job opening created by ARRA funding with a present employee, laid-off employee or job candidate from a previous recruitment.
2. The provisions of this Administrative Directive shall not apply to contracts advertised prior to the Administrative Directive's effective date.

This Administrative Directive is not intended to require employers, contractors and sub-recipients to hire solely from the HireNet System or prevent organizations and companies from also seeking needed employees by other means, including industry specific employment programs.

All state agencies shall communicate these requirements to contractors and sub-recipients.

Authority and Responsibility:

The Department of Labor and Industrial Relations shall be responsible for oversight and implementation of this Administrative Directive, as well as ensuring that all ARRA jobs are identified as such on the HireNet System.

LINDA LINGLE

APPROVED AS TO FORM:

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Attorney General