

JAN 18 2008

A BILL FOR AN ACT

RELATING TO QUALIFIED COMMUNITY REHABILITATION PROGRAMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 76-77, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§76-77 Civil service and exemptions.** The civil service
4 to which this part applies comprises all positions in the public
5 service of each county, now existing or hereafter established,
6 and embraces all personal services performed for each county,
7 except the following:

8 (1) Positions in the office of the mayor; provided that
9 the positions shall be included in the classification
10 systems;

11 (2) Positions of officers elected by public vote,
12 positions of heads of departments, and positions of
13 one first deputy or first assistant of heads of
14 departments;

15 (3) Positions of deputy county attorneys, deputy
16 corporation counsel, deputy prosecuting attorneys, and
17 law clerks;



- 1 (4) Positions of members of any board, commission, or
2 agency;
- 3 (5) Positions filled by students; positions filled through
4 federally funded programs which provide temporary
5 public service employment such as the federal
6 Comprehensive Employment and Training Act of 1973; and
7 employees engaged in special research or demonstration
8 projects approved by the mayor, for which projects
9 federal funds are available;
- 10 (6) Positions of district judges, jurors, and witnesses;
- 11 (7) Positions filled by persons employed by contract where
12 the personnel director has certified that the service
13 is special or unique, is essential to the public
14 interest, and that because of the circumstances
15 surrounding its fulfillment, personnel to perform the
16 service cannot be recruited through normal civil
17 service procedures; provided that no contract pursuant
18 to this paragraph shall be for any period exceeding
19 one year;
- 20 (8) Positions of a temporary nature needed in the public
21 interest where the need does not exceed ninety days;
22 provided that before any person may be employed to



1 render temporary service pursuant to this paragraph,
2 the director shall certify that the service is of a
3 temporary nature and that recruitment through normal
4 civil service recruitment procedures is not
5 practicable; and provided further that the employment
6 of any person pursuant to this paragraph may be
7 extended for good cause for an additional period not
8 to exceed ninety days upon similar certification by
9 the director;

10 (9) Positions of temporary election clerks in the office
11 of the county clerk employed during election periods;

12 (10) Positions specifically exempted from this part by any
13 other state statutes;

14 (11) Positions of one private secretary for each department
15 head; provided that the positions shall be included in
16 the classification systems;

17 (12) Positions filled by persons employed on a fee,
18 contract, or piecework basis who may lawfully perform
19 their duties concurrently with their private business
20 or profession or other private employment, if any, and
21 whose duties require only a portion of their time,
22 where it is impracticable to ascertain or anticipate



- 1 the portion of time devoted to the service of the
2 county and that fact is certified by the director;
- 3 (13) Positions filled by persons with a severe disability
4 who are certified by the state vocational
5 rehabilitation office as able to safely perform the
6 duties of the positions;
- 7 (14) Positions of the housing and community development
8 office or department of each county; provided that
9 this exemption shall not preclude each county from
10 establishing these positions as civil service
11 positions;
- 12 (15) The following positions in the office of the
13 prosecuting attorney: private secretary to the
14 prosecuting attorney, secretary to the first deputy
15 prosecuting attorney, and administrative or executive
16 assistants to the prosecuting attorney; provided that
17 the positions shall be included in the classification
18 systems; and
- 19 (16) Positions or contracts for personal services with
20 private persons or entities for services lasting no
21 more than one year and at a cost of no more than
22 \$750,000[-]; provided that positions or contracts for



1 personal services with qualified community
 2 rehabilitation programs, as that term is defined in
 3 section 103D-1001, shall be exempt from the \$750,000
 4 limit.

5 The director shall determine the applicability of this
 6 section to specific positions and shall determine whether or not
 7 positions exempted by paragraphs (7) and (8) shall be included
 8 in the classification systems.

9 Nothing in this section shall be deemed to affect the civil
 10 service status of any incumbent private secretary of a
 11 department head who held that position on May 7, 1977."

12 SECTION 2. Statutory material to be repealed is bracketed
 13 and stricken. New statutory material is underscored.

14 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: S. S. L. ...

J. Alan Eglor

Randy D. Baker

Sharon Chun Oakland

Clarence D. ...

Carol ...

Will ...

Bruner ...

Jim

Norman Sakem...

Ray ...



Report Title:

Civil Service Law; Qualified Community Rehabilitation Programs

Description:

Exempts positions and personal services contracts with a qualified community rehabilitation program, which last for no more than one year, from county civil service law regardless of the cost.

