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## A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1           SECTION 1. Section 76-16, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3           "(b) The civil service to which this chapter applies shall  
4 comprise all positions in the State now existing or hereafter  
5 established and embrace all personal services performed for the  
6 State, except the following:

7           (1) Commissioned and enlisted personnel of the Hawaii  
8 national guard as such, and positions in the Hawaii  
9 national guard that are required by state or federal  
10 laws or regulations or orders of the national guard to  
11 be filled from those commissioned or enlisted  
12 personnel;

13           (2) Positions filled by persons employed by contract where  
14 the director of human resources development has  
15 certified that the service is special or unique or is  
16 essential to the public interest and that, because of  
17 circumstances surrounding its fulfillment, personnel  
18 to perform the service cannot be obtained through



- 1 normal civil service recruitment procedures. Any such  
2 contract may be for any period not exceeding one year;
- 3 (3) Positions that must be filled without delay to comply  
4 with a court order or decree if the director  
5 determines that recruitment through normal recruitment  
6 civil service procedures would result in delay or  
7 noncompliance, such as the Felix-Cayetano consent  
8 decree;
- 9 (4) Positions filled by the legislature or by either house  
10 or any committee thereof;
- 11 (5) Employees in the office of the governor and office of  
12 the lieutenant governor, and household employees at  
13 Washington Place;
- 14 (6) Positions filled by popular vote;
- 15 (7) Department heads, officers, and members of any board,  
16 commission, or other state agency whose appointments  
17 are made by the governor or are required by law to be  
18 confirmed by the senate;
- 19 (8) Judges, referees, receivers, masters, jurors, notaries  
20 public, land court examiners, court commissioners, and  
21 attorneys appointed by a state court for a special  
22 temporary service;



1           (9) One bailiff for the chief justice of the supreme court  
2           who shall have the powers and duties of a court  
3           officer and bailiff under section 606-14; one  
4           secretary or clerk for each justice of the supreme  
5           court, each judge of the intermediate appellate court,  
6           and each judge of the circuit court; one secretary for  
7           the judicial council; one deputy administrative  
8           director of the courts; three law clerks for the chief  
9           justice of the supreme court, two law clerks for each  
10          associate justice of the supreme court and each judge  
11          of the intermediate appellate court, one law clerk for  
12          each judge of the circuit court, two additional law  
13          clerks for the civil administrative judge of the  
14          circuit court of the first circuit, two additional law  
15          clerks for the criminal administrative judge of the  
16          circuit court of the first circuit, one additional law  
17          clerk for the senior judge of the family court of the  
18          first circuit, two additional law clerks for the civil  
19          motions judge of the circuit court of the first  
20          circuit, two additional law clerks for the criminal  
21          motions judge of the circuit court of the first  
22          circuit, and two law clerks for the administrative



1 judge of the district court of the first circuit; and  
2 one private secretary for the administrative director  
3 of the courts, the deputy administrative director of  
4 the courts, each department head, each deputy or first  
5 assistant, and each additional deputy, or assistant  
6 deputy, or assistant defined in paragraph (16);

7 (10) First deputy and deputy attorneys general, the  
8 administrative services manager of the department of  
9 the attorney general, one secretary for the  
10 administrative services manager, an administrator and  
11 any support staff for the criminal and juvenile  
12 justice resources coordination functions, and law  
13 clerks;

14 (11) (A) Teachers, principals, vice-principals, complex  
15 area superintendents, deputy and assistant  
16 superintendents, other certificated personnel,  
17 not more than twenty noncertificated  
18 administrative, professional, and technical  
19 personnel not engaged in instructional work;

20 (B) Effective July 1, 2003, teaching assistants,  
21 educational assistants, bilingual/bicultural  
22 school-home assistants, school psychologists,



1                   psychological examiners, speech pathologists,  
2                   athletic health care trainers, alternative school  
3                   work study assistants, alternative school  
4                   educational/supportive services specialists,  
5                   alternative school project coordinators, and  
6                   communications aides in the department of  
7                   education;

8                   (C) The special assistant to the state librarian and  
9                   one secretary for the special assistant to the  
10                  state librarian; and

11                  (D) Members of the faculty of the University of  
12                  Hawaii, including research workers, extension  
13                  agents, personnel engaged in instructional work,  
14                  and administrative, professional, and technical  
15                  personnel of the university;

16                  (12) Employees engaged in special, research, or  
17                  demonstration projects approved by the governor;

18                  (13) Positions filled by inmates, kokuas, patients of state  
19                  institutions, persons with severe physical or mental  
20                  handicaps participating in the work experience  
21                  training programs, and students and positions filled  
22                  through federally funded programs that provide



1 temporary public service employment such as the  
2 federal Comprehensive Employment and Training Act of  
3 1973;

4 (14) A custodian or guide at Iolani Palace, the Royal  
5 Mausoleum, and Hulihee Palace;

6 (15) Positions filled by persons employed on a fee,  
7 contract, or piecework basis, who may lawfully perform  
8 their duties concurrently with their private business  
9 or profession or other private employment and whose  
10 duties require only a portion of their time, if it is  
11 impracticable to ascertain or anticipate the portion  
12 of time to be devoted to the service of the State;

13 (16) Positions of first deputies or first assistants of  
14 each department head appointed under or in the manner  
15 provided in section 6, Article V, of the State  
16 Constitution; three additional deputies or assistants  
17 either in charge of the highways, harbors, and  
18 airports divisions or other functions within the  
19 department of transportation as may be assigned by the  
20 director of transportation, with the approval of the  
21 governor; four additional deputies in the department  
22 of health, each in charge of one of the following:



1 behavioral health, environmental health, hospitals,  
2 and health resources administration, including other  
3 functions within the department as may be assigned by  
4 the director of health, with the approval of the  
5 governor; an administrative assistant to the state  
6 librarian; and an administrative assistant to the  
7 superintendent of education;

8 (17) Positions specifically exempted from this part by any  
9 other law; provided that all of the positions defined  
10 by paragraph (9) shall be included in the position  
11 classification plan;

12 (18) Positions in the state foster grandparent program and  
13 positions for temporary employment of senior citizens  
14 in occupations in which there is a severe personnel  
15 shortage or in special projects;

16 (19) Household employees at the official residence of the  
17 president of the University of Hawaii;

18 (20) Employees in the department of education engaged in  
19 the supervision of students during meal periods in the  
20 distribution, collection, and counting of meal  
21 tickets, and in the cleaning of classrooms after  
22 school hours on a less than half-time basis;



- 1           (21) Employees hired under the tenant hire program of the  
2           Hawaii public housing authority; provided that not  
3           more than twenty-six per cent of the authority's work  
4           force in any housing project maintained or operated by  
5           the authority shall be hired under the tenant hire  
6           program;
- 7           (22) Positions of the federally funded expanded food and  
8           nutrition program of the University of Hawaii that  
9           require the hiring of nutrition program assistants who  
10          live in the areas they serve;
- 11          (23) Positions filled by severely handicapped persons who  
12          are certified by the state vocational rehabilitation  
13          office that they are able to perform safely the duties  
14          of the positions;
- 15          (24) One public high school student to be selected by the  
16          Hawaii state student council as a nonvoting member on  
17          the board of education as authorized by the State  
18          Constitution;
- 19          (25) [~~Sheriff, first deputy sheriff, and second deputy~~  
20          ~~sheriff;~~] The sheriff;
- 21          (26) A gender and other fairness coordinator hired by the  
22          judiciary; and





1 (27) Positions in the Hawaii national guard youth and adult  
2 education programs.

3 The director shall determine the applicability of this  
4 section to specific positions.

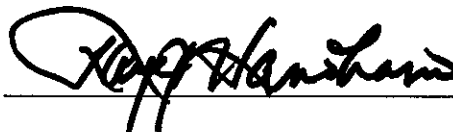
5 Nothing in this section shall be deemed to affect the civil  
6 service status of any incumbent as it existed on July 1, 1955."

7 SECTION 2. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 3. This Act shall take effect on January 1, 2013.

10

INTRODUCED BY:



JAN 20 2011



**Report Title:**

Public Safety; Deputy Sheriff; Civil Service

**Description:**

Repeals the civil service exemptions for the first and second deputy sheriffs. Effective 01/01/2013.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

