



OFFICE OF THE LIEUTENANT GOVERNOR
STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

SHAN S. TSUTSUI
LIEUTENANT GOVERNOR

**THE SENATE COMMITTEE ON WAYS AND MEANS
HOUSE COMMITTEE ON FINANCE
BUDGET BRIEFING FOR FISCAL BIENNIUM 2015-2017**

**OFFICE OF THE LIEUTENANT GOVERNOR
PROGRAM ID LTG100**

OVERVIEW

A. Mission Statement

Pursuant to Article V, Section 4 of the Hawaii State Constitution, the primary mission of the Lieutenant Governor is to act in place of the Governor when the Governor is out of state. Accordingly, the Lieutenant Governor must be in constant communication with the Governor and his staff to ensure that he can effectively carry out the necessary functions of the office during these absences.

Pursuant to Section 26-1, Hawaii Revised Statutes, another core function of the Office of the Lieutenant Governor is to serve as Secretary of State for intergovernmental relations. In this role, the Lieutenant Governor is charged with directing and performing a multitude of activities for the general public, which are administrative and coordinative in nature. These activities include:

- (1) Processing name changes;
- (2) Authenticating documents for use in foreign countries;
- (3) Sale and distribution of official state publications;
- (4) Compiling administrative rules;
- (5) Compiling legislative acts; and
- (6) Posting state open meeting agendas.

Section 26-1 also indicates that, “the governor shall identify and direct other duties as necessary to the lieutenant governor.” In the prior administration, the Governor had tasked Lieutenant Governor Tsutsui with developing and administering the Hawaii Presidential Center initiative, to promote Hawaii and help facilitate its bid for Hawaii as a future site of the Barack Obama Presidential Center; the Resources for Enrichment, Athletics, Culture and Health (R.E.A.C.H.) initiative, to help provide access to after-school programs to public middle/intermediate school students statewide; the Sports Development Initiative, to promote and grow Hawaii as a premier sports destination for professional, amateur and youth athletics in the Asia-Pacific region; the HI Growth initiative, to foster and promote local entrepreneurship and develop high growth business and spur job creation in the State; and liaison for the Governors Circle and the U.S. Japan Council, to foster relationships with Japanese prefectural governments to grow business opportunities and relations between Japan and Hawaii, among other projects. Lieutenant Governor Tsutsui also worked closely with the Hawaii Tourism Authority to help promote Hawaii as a tourist destination and increase business and travel opportunities between Hawaii and various destinations in the Asia-Pacific region.

Finally, the Lieutenant Governor provides administrative support to the Office of Information Practices (OIP), an agency attached to the Office of the Lieutenant Governor.

In the current Administration, the Lieutenant Governor will likely continue work on some of the aforementioned initiatives, including the Hawaii Presidential Center, R.E.A.C.H. and the Sports Development Initiative, among others. However, the Lieutenant Governor is also continuing discussions with the Governor as to any new duties, programs or projects. We will share any assignments with the Legislature once such has been finalized by the Administration.

B. Economic Impact

Pursuant to Act 134, SLH 2013, as amended by Act 122, SLH 2014, the Office of the Lieutenant Governor’s (LTG100) current allocation for FY2014-2015 is \$1,118,568. The current biennium budget represents a decrease from the FY2013-2014 budget, but an overall increase from the prior biennium budget. This increase is attributed to funding for the Hawaii Presidential Center Initiative (\$200,000) to enable Hawaii to submit a proposal to house some or all of President Obama’s legacy library, as well as to fund additional expenses and positions to fulfill the duties and requirements of the office. Additionally, beginning July 1, 2014, the Office was subjected to a 10% restriction of its total budget, which has required some shifting of duties and resources to realize some savings, including a delay in hiring vacant positions. However, relief from such restriction prior to the end of the fiscal year may still be necessary to maintain current operations and properly fulfill the duties of the office.

The Office generates revenues for the State through fees collected for Secretary of State functions, including but not limited to processing name changes, issuing apostilles or certifications, selling official state publications and, in the future, the commissioner of deeds program. These fees are established in statute and have not been adjusted in many years.

Such fees are returned to the general fund and are not returned to our office to help offset the costs of operations. Since the implementation of the legal presence law in March 2012, the number of name changes processed by the office has significantly increased. Although we expected this volume to again decrease as more individuals comply with the law, the introduction of online payment and processing of some name change petitions has resulted in a sustained and perhaps increased number of petitions. The online process went into effect in March 2014 and has experienced some growing pains, but has seen much traffic and increased usage throughout the remainder of 2014. This has helped to streamline the process and decrease processing times. Work on additional online petitions will continue in 2015, although the priority will remain working out any kinks with the current available petitions and ensuring that the online process for the more complex petitions are properly vetted before proceeding.

Additionally, reconstruction and rehabilitation of the Administrative Rules archive continues to be a priority project of the Office, with significant progress being made to ensure complete and accurate physical records of department Administrative Rules. This will continue to be an ongoing project of the Office to ensure accuracy, but will require continued staffing and resources to complete.

The Commissioner of Deeds program also saw much progress during 2014. A dedicated employee was hired to shepherd this program, and work ensued through the establishment of a working group of interested stakeholders, including representatives from the Bureau of Conveyances, Attorney General's office, the Department of Commerce and Consumer Affairs, as well as the timeshare industry. Through research, discussion and review, draft administrative rules have been proposed; however, additional legislation and authorization was also discovered to be necessary, which has prompted a delay in the adoption of rules. The need for additional legislation to properly implement the program was discussed and a proposed measure drafted for inclusion in the Administration's package. Additionally, continued funds are necessary to implement and oversee program going forward.

Federal Funds

C. Federally-funded Programs

The Office of the Lieutenant Governor is not responsible for any programs that utilize federal funds.

Budget Request

D. Process for Development of Budget Requests

The Office prioritized the requests based on the needs of the department.

E. Identify and discuss budget requests

A request for \$60,000 to fund an existing full-time equivalent position and administrative costs devoted to implementation of Act 277, SLH 2013. Act 277 requires the Office of the Lieutenant Governor to establish a process for the Governor to appoint individuals to serve as Commissioners of Deeds to administer oaths, take acknowledgements, and take proofs of execution outside of the United States in connection with the execution of conveyance documents relating to a time share interest, any property subject to a time share plan, or the operation of a time share plan covering any property located within Hawaii.

Act 277 included an appropriation for \$60,000 for FY2014 and FY2015 and Act 134, SLH 2013, as amended by Act 122, SLH 2014, established a position for this program; however, funding for the position going forward was not provided. The Office is requesting the addition of funds to assist in implementing the new law to assist in the duties involved in establishing criteria and an application for appointment as a Commissioner of Deeds, the drafting of administrative rules to implement the new law, establishment of processes and procedures for the acceptance of cash bonds, if necessary, and as provided in Act 277, SLH 2013, as well as to cover any administrative costs involved in the rulemaking, application, bonding, and appointment processes.

The position is currently filled, but the funding will run out at the end of this fiscal year. The incumbent has made significant progress on drafting proposed rules and legislation to address issues and questions with the program and prepare for implementation. However, additional work is necessary to fully implement and then administer the program in the future. The lack of a dedicated individual to work on the program will curtail implementation, monitoring and oversight of the program going forward.

Office of the Lieutenant Governor
Prioritized List of Functions

Table 1

<u>Priority</u>	<u>Description of Function</u>	<u>Activities</u>	<u>Prog ID(s)</u>	<u>Statutory Reference</u>
1	Act in place of the Governor in his/her absence	To enhance the effectiveness and efficiency of state programs by providing Executive direction, policy development, program coordination, and planning and budgeting.	LTG100	Art. V., § 4, Hawaii State Constitution
2	Serve as Secretary of State	To serve as Secretary of State for intergovernmental relations, including: (1) Processing name changes; (2) Authentication of documents for use in foreign countries; (3) Sale and distribution of official state publications; (4) Compilation of administrative rules; (5) Compilation of legislative acts; (6) Posting of state open meeting agendas; (7) Processing Commissioner of Deeds applications and appointments.	LTG100	Section 26-1, HRS; Act 277, SLH 2013
3	Other duties as prescribed by the Governor	Develop and/or administer the special programs and initiatives as assigned by the Governor, including but not limited to: (1) Hawaii Presidential Center; (2) Resources for Enrichment, Athletics, Culture and Health (R.E.A.C.H.) for middle/intermediate school students; (3) Sports Development Initiative; (4) HI Growth Initiative; (5) Governors' Circle/U.S. Japan Council; (6) Aerospace States Commission; and (7) Asia-Pacific Relations. Other duties to be determined by the new Administration.	LTG100	Section 26-1, HRS

Office of the Lieutenant Governor
LTG100 Totals

Table 2

Fiscal Year 2015				
Act 122/14 Appropriation	Restriction	Emergency Appropriations	Total FY15	MOF
\$ 1,118,568	\$ (91,857)		\$ 1,026,711	A
			\$ -	
			\$ -	
			\$ -	
			\$ -	
\$ 1,118,568	\$ (91,857)	\$ -	\$ 1,026,711	Total
Fiscal Year 2016				
Act 122/14 Appropriation	Reductions	Additions	Total FY16	MOF
			\$ -	
			\$ -	
			\$ -	
			\$ -	
			\$ -	
\$ -	\$ -	\$ -	\$ -	Total
Fiscal Year 2017				
Act 122/14 Appropriation	Reductions	Additions	Total FY17	MOF
			\$ -	
			\$ -	
			\$ -	
			\$ -	
			\$ -	
\$ -	\$ -	\$ -	\$ -	Total

Office of the Lieutenant Governor

Program ID Totals

Prog ID	Program Title	MOF	As budgeted by Act 122/14 (FY15)			Governor's Submittal (FY16)				Governor's Submittal (FY17)			
			Pos (P)	Pos (T)	\$\$\$	Pos (P)	Pos (T)	\$\$\$	Percent Change of \$\$\$\$	Pos (P)	Pos (T)	\$\$\$	Percent Change of \$\$\$\$
LTG100	Office of the Lieutenant Governor	A	3.00	11.00	\$ 818,297	3.00	11.00	\$ 938,225	0.14656	3.00	11.00	\$ 955,041	0.16711

Office of the Lieutenant Governor
 FY15 Restrictions

Table 7

<u>Prog ID</u>	<u>Sub-Org</u>	<u>MOF</u>	<u>Budgeted by Dept</u>	<u>Restriction</u>	<u>Difference Between Budgeted & Restricted</u>	<u>Percent Difference</u>	<u>Impact</u>
LTG100		A	\$ 1,118,568	\$ 91,857	\$ 91,857	10.00%	Negatively impacts the Office's ability to pay staff salaries and meet operating costs of the office. Will result in shortfall before the end of the fiscal year that would require staff reductions, inability to be full staffed, or similar if not restored.

Office of the Lieutenant Governor
Emergency Appropriation Requests

Table 8

<u>Prog ID</u>	<u>Description of Request</u>	<u>Explanation of Request</u>	<u>MOF</u>	<u>Pos (P)</u>	<u>Pos (T)</u>	<u>\$\$\$</u>
N/A						

Office of the Lieutenant Governor
Expenditures Exceeding Appropriation Ceilings in FY14 and FY15

Table 9

<u>Prog ID</u>	<u>MOF</u>	<u>Date</u>	<u>Appropriation</u>	<u>Amount Exceeding Appropriation</u>	<u>Percent Exceeded</u>	<u>Reason for Exceeding Ceiling</u>	<u>Legal Authority</u>	<u>Recurring (Y/N)</u>	<u>GF Impact (Y/N)</u>
						N/A			

Office of the Lieutenant Governor
 Intradepartmental Transfers in FY14 and FY15

Table 10

<u>Actual or Anticipated Date of Transfer</u>	<u>MOF</u>	<u>Pos (P)</u>	<u>Pos (T)</u>	<u>\$\$\$</u>	<u>From Prog ID</u>	<u>Percent of Program ID Appropriation Transferred From</u>	<u>To Prog ID</u>	<u>Percent of Receiving Program ID Appropriation</u>	<u>Reason for Transfer</u>	<u>Recurring (Y/N)</u>
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Table 11 Instructions

COLUMN	DATA ELEMENT	DEFINITION
A	State Expending Agency	State entity authorized to expend the funds as authorized by the appropriation or as delegated by the Governor. Select from drop-down menu. See legend below.
B	Program I.D.	The unique identifier for the specific program responsible for carrying out the program consisting of the abbreviation for the State entity followed by the organization number for the program. Format: XXX###
C	Award Number	The identifying number assigned by the awarding Federal Agency, such as the federal grant number, federal contract number or the federal loan number that appears in the federal award document.
D	CFDA No.	The number associated with the published description of Federal assistance program in the Catalog of Federal Domestic Assistance. Only applies to grants and loans. A list of CFDA codes can be searched at: https://www.cfda.gov/index?s=program&tab=list&mode=list Format: ##.###.
E	Award Description	Award title and description with purpose of funding action.
F	Awarding Federal Agency	Name of the federal agency that awarded and administers the award on behalf of the funding agency. Select from drop-down menu. See agency list below.
G	Award Amount	For Grants: The total amount of the award. For Loans: The total amount of the loan obligated by the Federal Agency; the face value of the loan. For Contracts: The total amount obligated by the Federal Agency.
H	Award Amount Allocated to the Program ID in Column B	Enter the portion of the total award amount allocated to this Program ID. For example, if a federal award in the amount of \$500 is allocated to only AGR100, the "Award Amount" and the "Award Amount Allocated to the Pgm ID in Column B" would both be \$500. However, if the \$500 will be allocated to AGR100, AGR200 and AGR300, in the amounts of \$100, \$250 and \$150, respectively, the "Award Amount" would be the \$500 for all three program IDs but the "Award Amount Allocated to the Pgm ID in Column B" would be \$100 for AGR100, \$250 for AGR200 and \$150 for AGR300.
I	State Appropriation Symbol	The account number established in FAMIS. The appropriation account is a combination of 4 fields: Fund Type, Fiscal Year, Appropriation Account Number, and Dept. Code. If an award has appropriation symbols for multiple fiscal years, enter the symbol for the first fiscal year. Format: X-YY-###-X
J	State Fund Match (If Any)	The amount of state funds necessary to match the award.
K	Contact Name	Name of the individual at the program level responsible for performance of the award.
L	Contact Phone No.	Phone no. of the individual at the program level responsible for performance of the award.
M	Contact Email	Email of the individual at the program level responsible for performance of the award.
	LEGEND:	
	<u>State Expending Agency</u>	
A (AGR)	Department of Agriculture	
B (BED)	Department of Business, Economic Dev & Tourism	
C (LNR)	Department of Land and Natural Resources	
D (TRN)	Department of Transportation	
E (EDN)	Department of Education	
F (UOH)	University of Hawaii	
G (DEF)	Department of Defense	

Office of the Lieutenant Governor
Table 11 Instructions

Table 11

H (HTH)	Department of Health	
I (HHL)	Department of Hawaiian Home Lands	
J (JUD)	Judiciary	
K (HMS)	Department of Human Services	
L (LBR)	Department of Labor and Industrial Relations	
M (AGS)	Department of Accounting and General Services	
N (ATG)	Department of Attorney General	
O (BUF)	Department of Budget and Finance	
P (HRD)	Department of Human Resources Development	
Q (GOV)	Office of the Governor	
R (CCA)	Department of Commerce and Consumer Affairs	
S (LTG)	Office of the Lieutenant Governor	
T (TAX)	Department of Taxation	
V1 (PSD)	Department of Public Safety	
Z1 (OHA)	Office of Hawaiian Affairs	
	Federal Agency	
	Dept.of Agriculture	
	Dept. of Commerce	
	Dept. of Defense	
	Dept. of Education	
	Dept. of Energy	
	Dept. of Health and Human Services	
	Dept. of Homeland Security	
	Dept. of Housing and Urban Development	
	Dept. of Justice	
	Dept. of Labor	
	Dept. of State	
	Dept. of the Interior	
	Dept. of the Treasury	
	Dept. of Transportation	
	Dept. of Veterans Affairs	
	Corporation for National & Community Svc	
	Environmental Protection Agency	
	General Services Administration	
	NASA	
	National Science Foundation	
	Nuclear Regulatory Commission	
	Office of Personnel Management	
	Small Business Administration	
	Social Security Administration	
	U.S. Agency for International Development	

Office of the Lieutenant Governor
Non-General Funds

Table 12

<u>Name of Fund</u>	<u>Purpose</u>	<u>Statutory Reference</u>	<u>MOF</u>	<u>Beginning FY15 Unencumbered Cash Balance</u>	<u>Estimated FY15 Revenues</u>	<u>Estimated FY15 Expenditures and Encumbrances</u>	<u>Estimated FY15 Net Transfers</u>	<u>Estimated FY15 Ending Unencumbered Cash Balance</u>	<u>Balance in Excess of Program Needs</u>
N/A									

Office of the Lieutenant Governor
 Vacancy Report as of November 30, 2014

Table 13

<u>Prog ID</u>	<u>Sub- Org</u>	<u>Date of Vacancy</u>	<u>Expected Fill Date</u>	<u>Position Number</u>	<u>Position Title</u>	<u>Exempt (Y/N)</u>	<u>SR Level</u>	<u>BU Code</u>	<u>Perm Temp (P/T)</u>	<u>FTE</u>	<u>MOF</u>	<u>Budgeted Amount</u>	<u>Actual Salary Last Paid</u>	<u>Authority to Hire (Y/N)</u>	<u>Occupied by 89 Day Hire (Y/N)</u>	<u># of 89 Hire Appts</u>	<u>Describe if Filled by other Means</u>	<u>Priority # to Retain</u>
LTG100		5/14/2014	3/1/2014	118002	Administrative Assistant	Y	NA	63	T	1.00	A	\$ 36,000	\$ 39,996	Y	N	0		2
LTG100		7/1/2013	3/1/2014	120929	Senior Policy Analyst	Y	NA	73	T	1.00	A	\$ 39,676	\$ -	Y	N	0		1

Office of the Lieutenant Governor
 Personnel Separations from July 1, 2013 to November 30, 2014

Table 14

<u>Prog ID</u>	<u>Sub- Org</u>	<u>Separation Date</u>	<u>Pos #</u>	<u>Position Title</u>	<u>Exempt (Y/N)</u>	<u>SR Level</u>	<u>BU Code</u>	<u>T/P</u>	<u>MOF</u>	<u>Budgeted FTE</u>	<u>Budgeted Salary</u>	<u>Actual FTE</u>	<u>Actual Salary</u>
LTG100		5/13/2014	118002	Administrative Assistant	Y	NA	63	T	A	1.00	\$ 39,996	1.00	\$ 39,936

Office of the Lieutenant Governor
Positions Filled from July 1, 2013 to November 30, 2014

Table 15

<u>Prog ID</u>	<u>Sub- Org</u>	<u>Effective Date Position Filled</u>	<u>Pos #</u>	<u>Position Title</u>	<u>Exempt (Y/N)</u>	<u>SR Level</u>	<u>BU Code</u>	<u>T/P</u>	<u>MOF</u>	<u>- Budgeted FTE</u>	<u>Budgeted Salary</u>	<u>Actual FTE</u>	<u>Actual Salary</u>	<u>Occupied by 89 Day Hire (Y/N)</u>
LTG100		1/15/2014	121120	Commissioner of Deeds Specialist	Y	NA	73	T	A	-	\$ -	1.00	\$ 55,000	N
LTG100		6/23/2014	120930	Administrative Assistant	Y	NA	63	T	A	1.00	\$ 40,000	1.00	\$ 48,000	N

Office of the Lieutenant Governor
 Unauthorized Positions as of November 30, 2014

Table 16

<u>Prog ID</u>	<u>Sub- Org</u>	<u>Date Established</u>	<u>Legal Authority</u>	<u>Position Number</u>	<u>Position Title</u>	<u>Exempt (Y/N)</u>	<u>SR Level</u>	<u>BU Code</u>	<u>T/P</u>	<u>MOF</u>	<u>FTE</u>	<u>Annual Salary</u>	<u>Filled (Y/N)</u>	<u>Occupied by 89 Day Hire (Y/N)</u>
N/A														

Office of the Lieutenant Governor
Overtime Expenditure Summary

Table 17

Prog ID	Sub-Org	Program Title	MOF	FY14 (actual)			FY15 (estimated)			FY16 (budgeted)			FY17 (budgeted)		
				<u>Base Salary</u> \$\$\$\$	<u>- Overtime</u> \$\$\$\$	<u>Overtime</u> Percent	<u>Base Salary</u> \$\$\$\$	<u>- Overtime</u> \$\$\$\$	<u>Overtime</u> Percent	<u>Base Salary</u> \$\$\$\$	<u>- Overtime</u> \$\$\$\$	<u>Overtime</u> Percent	<u>Base Salary</u> \$\$\$\$	<u>- Overtime</u> \$\$\$\$	<u>Overtime</u> Percent
N/A															

Office of the Lieutenant Governor
Overpayments as of November 30, 2014

Table 19

<u>Name of Employee</u>	<u>Date of Over-payment</u>	<u>Gross Amount Overpaid</u>	<u>Amount Recovered</u>	<u>Balance</u>	<u>Category</u>				<u>Reason for Overpayment</u>	<u>Referred to Attorney General</u>
					<u>Employed Occurred</u>	<u>Employed Occurred</u>	<u>Not Employed Occurred</u>	<u>Not Employed Occurred</u>		
					<u>> 2 Years</u>	<u>< 2 Years</u>	<u>> 2 Years</u>	<u>< 2 Years</u>		
N/A										

Office of the Lieutenant Governor
Active Contracts as of December 1, 2014

Table 20

Prog ID	MOF	Frequency		Max Value	Outstanding Balance	Term of Contract			Organization	Categor Y E/L/P/C/	Description	Explanation of How Contract is Monitored	POS Y/N
		Amount	(M/A/O)			Date Executed	From	To					
LTG100	A	Min. \$27.23	M	N/A	N/A	8/8/2014	8/8/2014	8/8/2019	XEROX	E	Multifunction copier lease	through monthly billing	
LTG100	A	\$ 653.27	M	\$ 43,146.08	\$ 15,678.48	7/25/2013	7/25/2013	11/25/2016	FIRST HAWAIIAN LEASING	E	Vehicle lease	through monthly billing	
LTG100	A	\$ 684.87	M	\$ 34,625.44	\$ 684.87	1/3/2011	1/3/2011	1/3/2015	ALLY	E	Vehicle lease	through monthly billing	

Office of the Lieutenant Governor
 FY15 Appropriation Status as of November 31, 2014

Act/Year	Dept	ProgID	SeqNo	Description	Comments	MO F	FY15 Appropriation			Amount used as of December 1			Comments
							Temp Pos.	Perm. Pos.	Amount	Temp Pos.	Perm. Pos.	Amount	
Act134/13	LTG	LTG100	91001	EXECUTIVE REQUEST: ADD FUNDS FOR (1) POSITION.	LEGISLATURE DOES NOT CONCUR. REDUCES 20,000. DETAIL OF GOVERNOR'S REQUEST: (1) ADMINISTRATIVE ASSISTANT (#118006; 30,000) SUPPLIES AND EQUIPMENT (10,000) SECRETARY OF STATE SERVICES (10,000)	A		-	30,000			18,593	Appropriation is being utilized as per the intended purpose
Act134/13	LTG	LTG100	212001	GOVERNOR'S MESSAGE (2/12/13): ADD (3) TEMPORARY POSITIONS AND FUNDS FOR PERSONNEL AND NEIGHBOR ISLAND EXPENSES.	LEGISLATURE DOES NOT CONCUR. REDUCES 3,200 FOR (1) TEMPORARY ADMINISTRATIVE ASSISTANT, 8,808 FOR (1) TEMPORARY SENIOR POLICY ADVISOR, AND 3,200 FOR ADMINISTRATIVE ASSISTANT SALARY ADJUSTMENT. DETAIL OF GOVERNOR'S REQUEST: (1) TEMPORARY LIEUTENANT GOVERNOR REPRESENTATIVE, MAUI (54,360) (1) TEMPORARY ADMINISTRATIVE ASSISTANT (43,200) (1) TEMPORARY SENIOR POLICY ADVISOR (63,168) LIEUTENANT GOVERNOR SALARY ADJUSTMENT (25,800) ADMINISTRATIVE ASSISTANT SALARY ADJUSTMENT (13,200) AIRFARE (10,400) PER DIEM (14,040) MAUI OFFICE OPERATING EXPENSES (21,000) VEHICLE LEASE AND FUEL (12,420)	A	3.00	-	242,380	2.00		90,459	Appropriation is being utilized as per the intended purpose
Act122/14	LTG	LTG100	1000001	LEGISLATIVE ADJUSTMENT: ADD FUNDS FOR HAWAII PRESIDENTIAL CENTER BID.	NON-RECURRING.	A		-	200,000			200,000	Appropriation has been fully utilized by the Hawaii Presidential Center in preparation of the RFP response issued by The Barack

Office of the Lieutenant Governor
 Capital Improvements Program (CIP) Requests

Table 22

<u>Prog ID</u>	<u>Prog ID</u> <u>Priority</u>	<u>Dept- Wide</u> <u>Priority</u>	<u>Senate</u> <u>District</u>	<u>Rep.</u> <u>District</u>	<u>Project Title</u>	<u>MOF</u>	<u>FY16 \$\$\$</u>	<u>FY17 \$\$\$</u>
N/A								

Office of the Lieutenant Governor
CIP Lapses

Table 23

<u>Prog ID</u>	<u>Act/Year of Appropriation</u>	<u>Project Title</u>	<u>MOF</u>	<u>Amount \$\$\$\$</u>	<u>Reason</u>
N/A					

Office of the Lieutenant Governor
Division Resources

Table 24

<u>Division</u>	<u>Associated Program IDs</u>						
N/A							

Office of the Lieutenant Governor
Program ID Sub-Organizations

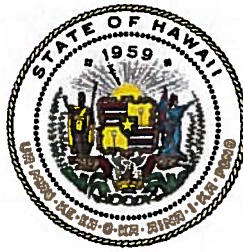
Table 25

<u>Program ID</u>	<u>Sub-Org Code</u>	<u>Name</u>	<u>Objective</u>
N/A			

Office of the Lieutenant Governor
Organization Changes

Table 26

<u>Year of Change</u> FY15/FY16	<u>Page</u> <u>Number</u>	<u>Description of Change</u>
N/A		



DAVID Y. IGE
GOVERNOR

SHAN TSUTSUI
LIEUTENANT GOVERNOR

STATE OF HAWAII
OFFICE OF THE LIEUTENANT GOVERNOR
OFFICE OF INFORMATION PRACTICES

CHERYL KAKAZU PARK
DIRECTOR

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SENATE COMMITTEE ON WAYS AND MEANS
HOUSE COMMITTEE ON FINANCE
Joint Information Briefing
January 6, 2015 – 9:00am
State Capitol Auditorium

2015 Legislative Budget Briefing Testimony
for Enforcement of Information Practices
(Program ID: LTG105IA)

Honorable Chairs and Members of the Committees:

I am Cheryl Kakazu Park, Director of the Office of Information Practices. I am here today to present OIP's 2015 Budget Briefing Testimony.

OVERVIEW:

A. Mission Statement

OIP's mission statement is "ensuring open government while protecting your privacy." In summary, OIP is the agency that all other state and county government agencies and the general public turn to for consistent legal interpretation and advice; free training and assistance; and unbiased dispute resolution concerning Hawaii's open records and open meetings laws.

OIP's main mission is to provide legal guidance and assistance to the public as well as to all state and county boards and agencies in the application of Hawaii's open government laws: (1) the Uniform Information Practices Act (Modified) ("UIPA"), HRS chapter 92F, providing public access to government records; and (2) the "Sunshine Law," Part of HRS chapter 92, requiring open access to public meetings and decision making. OIP also administers the State's Record Report System ("RRS") under HRS Section 92F-18(b), and rules on appeals from Department of Taxation decisions as to what constitutes written opinions available for public inspection and copying under HRS Sec. 231-19.5(f) and (h). In 2013, OIP was given the added responsibility to assist the Office of Information Management and Technology (OIMT) in developing policies and

procedures to implement Act 265, SLH 2013, which requires each Executive Branch department to use reasonable efforts to make appropriate and existing electronic data sets available online to the public at data.hawaii.gov and to keep the data updated.

OIP's duties include:

- assisting the public to obtain access to state and county government records, unless withholding is allowed by law;
- assisting state and county government agencies and boards to comply with the UIPA and Sunshine Law;
- providing formal and informal legal guidance under both the UIPA and Sunshine Laws to the general public or to governmental entities;
- investigating and resolving complaints relating to the public's access to and participation in government board meetings under the Sunshine Law;
- ruling on appeals of denials of access to records under the UIPA as an alternative method to court appeals for members of the public;
- keeping government accountable to individuals in the collection, use and dissemination of information about them; providing education under both laws to inform the public of their rights and the procedures for exercising those rights;
- providing education and training to state and county government boards and agencies regarding their responsibilities under, and compliance with, the UIPA, Sunshine Law, OIP's administrative rules, and the State's open data policy.

B. Current Economic and Fiscal Conditions

As the economic and fiscal conditions in recent years have improved, work furloughs have been eliminated, pay raises have been approved, and new personnel have been hired, OIP's staffing is currently in a stable condition with an experienced team of attorneys and support staff, who are mentoring newer employees.

C. FEDERAL FUNDS:

Not applicable. OIP only receives state general funds.

BUDGET REQUEST:

D. & E.: Budget Request

Not applicable. OIP has not yet submitted a supplemental budget request.

Additional Information

Information for Tables 1 through 24 is presented in the attached spreadsheets attached hereto.

Overall, the total number of requests for OIP's assistance has increased 60% since FY 2011. Thanks to the additional legislative appropriation of \$100,000 and 1.0 FTE position authorized by Act 263 in FY 2013 for FY 2014-15, however, OIP has been able to achieve significant progress in the past year. When all legislative appropriations, Act 263 funding, and collective bargaining increases are calculated, OIP has a total of 8.5 FTE positions and general fund appropriations of \$552,990 for FY 2015.

1. Looking back at the past year, the **total number of requests for OIP's assistance increased 7%** to 1,313 in FY 2014, as compared to 1,227 in FY 2013. Of the total requests for assistance, **84% were typically responded to within the same day through OIP's Attorney of the Day (AOD) service**, which provides general, informal advice. The remaining 16% consisted of 204 formal requests for assistance, which OIP resolves through correspondence and opinions. **While formal requests for assistance increased 15% since FY 2013, OIP was able to resolve 37% more cases in FY 2014 (195) as compared to FY 2013 (142).** Additionally, **OIP succeeded in reducing the number of pending formal cases to 105 in FY 2014 as compared to 113 in FY 2013, and reduced the age of the pending cases by eight years**, so that only two of OIP's cases in FY 2014 were four years old. Moreover, in FY 2014, **OIP supplemented its online training with in-person presentations to all four counties and OHA on how to use the UIPA Record Request Log**, which the state Executive branch departments, the Judiciary, and the UH are already using.

Looking to the future, however, OIP is concerned that the gains it has made in the past year to reduce its formal case backlog will be overcome by the increasing number of requests for assistance that it is receiving. **For the first half of FY 2015, OIP has already experienced a more than 27% increase** in the number of formal cases being filed (135 in Dec. 2014 compared to 106 in Dec. 2013). Moreover, while new employees are essential to the organization, the need for experienced staff to train newer employees has adversely impacted OIP's overall productivity in the short-term.

While OIP's ability to decrease its backlog is affected by its staffing resources, the number of requests it receives, and other factors beyond its control, OIP is taking administrative steps to resolve cases in a manner that is fair to all requesters. OIP notes that of the formal cases, a disproportionately large number have been filed in recent years by a small group of persons: in FY 2014, 36% (73) of the formal requests came from one individual (10 cases), one couple (19 cases) and a group of inmates (44 cases). To be fair to all requesters, OIP's priority for FY 2015 is to resolve the pending cases not tied to litigation or filed by repeat requesters, with the oldest cases being resolved first, and the remaining cases resolved as OIP's resources permit.

While working to resolve cases, OIP also provides training for government boards and agencies, particularly with respect to the UIPA Record Request Log. Additionally, OIP continues to promote the State's open data policy and has begun discussions with OIMT and the Hawaii Community Foundation to explore the possibility of a pilot project that would enable the public to electronically request, track, receive, and review public record requests.

To provide expert services that are essential to keeping government open and accessible for the people, OIP hopes that its budget request for FB 2016-17 will be favorably acted upon by the Legislature so that OIP can continue to train and retain its staff. Thank you for considering OIP's request.

Department of Lt Governor
Prioritized List of Functions

Table 1

Priority	Description of Function	Activities	Prog ID(s)	Statutory Reference
1	Administration of the state's open records law, the Uniform Information Practices Act (Modified)	(1) Review and rule on appeals from an agency's denial of access; (2) render opinions concerning the public's right to access records; (3) assist the public in obtaining responses to record requests where an agency fails to respond to a request as required under the UIPA and associated administrative rules; (4) provide general legal guidance concerning records access issues; (5) assist agencies in complying with legal requirements; (6) produce training materials, presentations, and other communications directed to agency personnel and the public; (7) monitor lawsuits; (8) track and recommend legislation; and (9) prepare annual report to legislature.	LTG105IA	Chapter 92F, HRS
2	Administration of the state's open meetings law, the Sunshine Law	(1) Render advisory opinions concerning the public's right to participate in meetings of government boards; (2) investigate and resolve complaints concerning a board's noncompliance with the requirements of the Sunshine Law; (3) provide general guidance concerning open meetings issues; (4) assist boards and agency staff in complying with legal requirements; (5) produce training materials, presentations, and other communications directed to board members, staff, and the public; (6) monitor lawsuits; (7) track and recommend legislation; and (8) prepare annual report to legislature.	LTG105IA	Part 1, Chapter 92, HRS
3	Administration of the state's records report system (RRS)	(1) Assist agencies to meet their annual statutory obligations in maintaining their reports; (2) provide ongoing RRS workshops for state and county RRS coordinators; (3) produce RRS instructional materials and perform other functions necessary to administer the RRS system.	LTG105IA	Section 92F-18(b), HRS
4	Determination of certain appeals from the Department of Taxation	(1) Review and rule on appeals from the Department of Taxation's decision as to what constitutes a written opinion that is available for public inspection and copying.	LTG105IA	Section 231-19.5(f) and (h), HRS
5	Promote open data and the UIPA	(1) Assist the Office of Information Management & Technology to create open data policy procedures and standards consistent with the UIPA, and state and federal laws relating to security and privacy; (2) encourage government agencies to post open data and assist them in determining whether data sets are appropriate for posting on data.hawaii.gov and their agency websites.	LTG105IA	Act 263, SLH 2013

Department of Lt Governor
Department-Wide Totals

Table 2

Fiscal Year 2015					
Act 122/14 Appropriation	Restriction	Emergency Appropriations	Total FY15	MOF	
\$ 426,935.00			\$ 426,935.00	A	
			\$ -		
			\$ -		
			\$ -		
			\$ -		
			\$ -		
\$ 426,935.00	\$ -	\$ -	\$ 426,935.00	Total	
Fiscal Year 2016					
Act 122/14 Appropriation	Reductions	Additions	Total FY16	MOF	
\$ 426,935.00		\$ 35,747.00	\$ 462,682.00	A	
			\$ -		
		\$ 100,000.00	\$ 100,000.00	A	
			\$ -		
			\$ -		
			\$ -		
\$ 426,935.00	\$ -	\$ 135,747.00	\$ 562,682.00	Total	
Fiscal Year 2017					
Act 122/14 Appropriation	Reductions	Additions	Total FY17	MOF	
\$ 426,935.00		\$ 49,049.00	\$ 475,984.00	A	
		\$ 100,000.00	\$ 100,000.00		
			\$ -		
			\$ -		
			\$ -		
\$ 426,935.00	\$ -	\$ 149,049.00	\$ 575,984.00	Total	

Department of Lt Governor
Program ID Totals

Prog ID	Program Title	As budgeted by Act 122/14 (FY15)			Governor's Submittal (FY16)			Governor's Submittal (FY17)					
		MOF	Pos (P)	Pos (T)	Pos (P)	Pos (T)	Pos (P)	Pos (T)	Pos (P)	Pos (T)	Percent Change of		
LTG105	Enforcement of Information Practices	A	5.00	3.00	\$426,935	6.00	3.00	\$562,682	6.00	3.00	\$475,984	3.00	0.114886

Department of Lt Governor
Budget Decisions

Table 4

Prog ID	Sub-Org	Description of Request	Initial Department Request FY16			Initial Department Request FY17			
			MOF	Pos (P)	Pos (T)	MOF	Pos (P)	Pos (T)	
LTG105		Fund Open Data Appropriation - Act 263/SLH2013	A	1.00		\$	98,000	\$	98,000
LTG105		Staff Attorney Funding	A			\$	32,000	\$	32,000

Department of Lt Governor
Budget Decisions

Table 4

Budget & Finance Recommendation FY16			Budget & Finance Recommendation FY17			Governor's Decision FY16			Governor's Decision FY17		
Pos (P)	Pos (T)	\$\$\$	Pos (P)	Pos (T)	\$\$\$	Pos (P)	Pos (T)	\$\$\$	Pos (P)	Pos (T)	\$\$\$
1.00		\$ 98,000	1.00		\$ 98,000	1.00		\$ 98,000	1.00		\$ 98,000

Department of Lt Governor
Proposed Budget Additions

Table 6

Sub-Org	Addition Type	Prog ID Priority	Dept-Wide Priority	Description of Addition	Justification	MOE	FY16		FY17							
							Pos (P)	Pos (T)	\$\$\$	Pos (P)	Pos (T)	\$\$\$				
	AR	LTG105	3	Open Data Appropriation	See Attached Justification #1	A	1.00		1.00		100,000				\$100,000	

OFFICE OF INFORMATION PRACTICES
OFFICE OF THE LT GOVERNORFORM A**Department Priority 1**

Open Data Continued Appropriation

IV. Justification of Request

The state Office of Information Practices (OIP) administers Hawaii's open government laws: (1) the Uniform Information Practices Act (Modified), chapter 92F, Hawaii Revised Statutes (UIPA) requiring open access to government records, and (2) the Sunshine Law, Part I of chapter 92, HRS, requiring open meetings.

Additionally, following the enactment of Act 263, SLH 2013 (codified as HRS Chapter 27A, Part VII), OIP was charged with assisting the state Office of Information Management and Technology (OIMT) to implement Hawaii's Open Data policy, which seeks to (1) increase public awareness and electronic access to non-confidential and non-proprietary data and information created by and available from state departments and agencies; (2) enhance government transparency and accountability; (3) encourage public engagement; and (4) stimulate innovation with the development of new analyses or applications based on the public data provided by the State. Act 263 requires each Executive Branch department to use reasonable efforts to make appropriate and existing electronic data sets available online to the public at data.hawaii.gov and to keep the data updated. Because of the adoption of this Open Data policy and the creation of the State's portal at data.hawaii.gov, Hawaii was nationally recognized in 2014 as one of the top six states for open data by the Center for Data Innovation.

Act 263 appropriated \$100,000 (18% of its current budget of \$552,990) annually to the Office of Information Practices (OIP) for fiscal years 2014 and 2015 to establish a 1.0 FTE temporary position to promote open data pursuant to the open data policy and the state's Uniform Information Practices Act, HRS Chapter 92F (UIPA). Following the release of these funds, one of OIP's top attorneys was transferred to the newly created Open Data Attorney position, with support from OIP's nonlegal staff. In conformance with the Open Data policy, OIP has also trained all State and County agencies on how to use the UIPA Record Request Log created by OIP to help agencies track and report on requests for government records. The Log, which is posted on data.hawaii.gov, promotes government transparency and accountability as agencies must use it to report, among other things, how they have responded to record requests, how long it took them to respond, and how much they incurred or charged the requesters for fees and costs.

While OIMT is the lead agency, OIP has played a critical role in developing the Open Data policies and procedures; educating and providing advice to agencies on how to implement the Open Data policy in compliance with their UIPA and Sunshine Law responsibilities; participating on the Access Hawaii Committee and Open Data Task Force; monitoring legislation and providing testimony; and engaging the general public on open data issues. OIP also administers the Records Report System (RRS), which was created by the UIPA and requires all agencies to describe and report the types of

records that they maintain; the RRS is expected to play an increasingly important role in identifying appropriate records for online posting as the Open Data policy is implemented by the agencies.

Despite the early national recognition of Hawaii's open data efforts, the State's IT transformation is still ongoing and much work remains to be done by OIP to help fully implement and ensure the State's commitment to the Open Data policy. **Consequently, OIP requests that \$100,000 from the State's General Fund be added to its operating budget funds and that the 1.0 FTE position be made permanent**, as well as exempt from Chapter 76 pursuant to HRS Sec. 92F-41(d). The funds will be used to retain and support the Open Data Attorney position, which is currently position number 120957. Besides having the technical knowledge to interface with OIMT on open data issues, the Open Data Attorney will do double duty as OIP's IT Specialist since OIP currently has no such position and needs someone to provide support for its day-to-day computer and networking operations and troubleshooting. The Open Data Attorney will be assisted by and will supervise OIP's Records Report Management Specialist and Administrative Assistant, whose positions will also be partially funded by this requested appropriation. See attached Open Data Attorney position description.

VII. Impact on Other State Programs/Agencies:

While OIMT is the lead agency for the State's Open Data policy and focuses primarily on the technological issues, OIP provides the legal support and expertise regarding the policy's interface with the UIPA (including the Records Report System) and Sunshine Law, which require public access to government records and public meetings and minutes. Nearly all Executive Branch agencies are subject to the Open Data policy, UIPA, and Sunshine Law, and it is OIP to whom they turn for advice and training regarding their responsibilities under these important open government laws.

For uniform advice and training on these laws, and to resolve disputes without having to litigate in court, the government agencies as well as the general public heavily rely upon OIP's attorneys. Without attorneys, OIP will be unable to timely respond to requests for assistance and must reduce its services, its backlog of formal cases will continue to grow, and potentially more lawsuits will be filed by requesters frustrated with OIP's inability to resolve cases in a timely manner, which would adversely impact the Judiciary. Without the continued funding of 18% of the existing budget, OIP will be forced to terminate employees and would be severely crippled in its ability to provide services to the public and all state and county agencies.

Department of Lt Governor
FY15 Restrictions

Table 7

Prog ID	Sub-Org	MOF	Budgeted by Dept	Restriction	Difference Between Budgeted & Restricted	Percent Difference	Impact
LTG105		A	426,935	\$ -	\$ -	0.00%	

Department of Lt Governor
Emergency Appropriation Requests

Table 8

<u>Prog ID</u>	<u>Description of Request</u>	<u>Explanation of Request</u>	<u>MOF</u>	<u>Pos (P)</u>	<u>Pos (T)</u>	<u>\$\$\$</u>
LTG105	None.	N/A				

Expenditures Exceeding Appropriation Ceilings in FY14 and FY15

<u>Prog ID</u>	<u>MOF</u>	<u>Date</u>	<u>Appropriation</u>	<u>Amount Exceeding Appropriation</u>	<u>Percent Exceeded</u>	<u>Reason for Exceeding Ceiling</u>	<u>Legal Authority</u>	<u>Recurring</u>	<u>GF Impact</u>
LTG105	A		\$ 426,935	\$ -	0.0%				

Department of Lt Governor
 Intra departmental Transfers in FY14 and FY15

<u>Actual or Anticipated Date of Transfer</u>	<u>MOF</u>	<u>Pos (P)</u>	<u>Pos (T)</u>	<u>\$</u>	<u>From Prog ID</u>	<u>Percent of Program ID Appropriation Transferred From</u>	<u>To Prog ID</u>	<u>Percent of Receiving Program ID Appropriation</u>	<u>Reason for Transfer</u>	<u>Recurring (Y/N)</u>
				\$ -		0.0%		0.0%		

Department of Lt Governor
Non-General Funds

Table 12

Name of Fund	Purpose	Statutory Reference	MDF	<u>Beginning FY15 Unencumbered Cash Balance</u>	<u>Estimated FY15 Revenues</u>	<u>Estimated FY15 Expenditures and Encumbrances</u>	<u>Estimated FY15 Net Transfers</u>	<u>Estimated FY15 Ending Unencumbered Cash Balance</u>	<u>Balance in Excess of Program Needs</u>
LTG105 is solely general funded.									

Department of Lt Governor
 Vacancy Report as of November 30, 2014

Prog ID	Sub-Off	Date of Vacancy	Expected Fill Date	Position Number	Position Title	Exempt (Y/N)	SR Level	BU Code	Perm Temp (P/T)	FTE	MOF	Budgeted Amount	Actual Salary Last Paid	Authority to Hire (Y/N)	Occupied by 89 Day Hire (Y/N)	# of 89 Hire Appts	Describe if Filled by other Means	Priority # to Retain	
LTG105																			

No Vacancies.

Department of Lt Governor
 Personnel Separations from July 1, 2013 to November 30, 2014

Prog ID	Sub-Org	Separation Date	Position Number	Position Title	Exempt (Y/N)	SR Level	BU Code	T/P	MOF	Budgeted FTE	Budgeted Salary	Actual FTE	Actual Salary
LTG105		8/14/2013	117247	Staff Attorney (LHJ)	Y	N/A	73	T	A	1.00	\$ 56,160	1.00	\$ 56,160
LTG105		9/30/2014	102666	Legal Assistant (DMS)	Y	N/A	73	T	A	1.00	\$ 35,443	1.00	\$ 35,443

Department of Lt Governor
 Unauthorized Positions as of November 30, 2014

<u>Prog ID</u>	<u>Sub-Org</u>	<u>Date Established</u>	<u>Legal Authority</u>	<u>Position Number</u>	<u>Position Title</u>	<u>Exempt (Y/N)</u>	<u>SR Level</u>	<u>BU Code</u>	<u>T/P</u>	<u>MOF</u>	<u>FTE</u>	<u>Annual Salary</u>	<u>Filled (Y/N)</u>	<u>Occupied by 89 Day Hire (Y/N)</u>
LTG105														

Program does not have any unauthorized positions.

Department of Lt Governor
Overtime Expenditure Summary

Prog ID	Sub-Org	Program Title	MOF	FY14 (actual)			FY15 (estimated)			FY16 (budgeted)			FY17 (budgeted)		
				Base Salary	Overtime	Overtime Percent	Base Salary	Overtime	Overtime Percent	Base Salary	Overtime	Overtime Percent	Base Salary	Overtime	Overtime Percent
LTG105		Enforcement of Information Practices	A	\$ -	\$ -	0.0%	\$ -	\$ -	0.0%	\$ -	\$ -	0.0%	\$ -	\$ -	0.0%

Department of Lt Governor
Overpayments as of November 30, 2014

Table 19

<u>Name of Employee</u>	<u>Date of Over-payment</u>	<u>Gross Amount Overpaid</u>	<u>Amount Recovered</u>	<u>Balance</u>	<u>Category</u>				<u>Referred to Attorney General</u>
					<u>Employed Occurred > 2 Years</u>	<u>Employed Occurred < 2 Years</u>	<u>Not Employed Occurred > 2 Years</u>	<u>Not Employed Occurred < 2 Years</u>	
<u>No Overpayments incurred by OIP (LTG105).</u>									

Department of Lt Governor
Active Contracts as of December 1, 2014

Prog ID	MOE	Frequency		Max Value	Outstanding Balance	Term of Contract			Category	Explanation of How Contract is Monitored	POS Y/N
		Amount	(M/A/O)			Date Executed	From	To			
LTG105	A	\$ -	0	\$ -	-						
No Contract Costs Incurred.											

Department of Lt Governor
 FY15 Appropriation Status

Act/ Year	ProgID	Seq No.	Description	Comments	MOF	FY15 Appropriation		Amount used as of November 30		Comments
						Temp Pos.	Perm. Pos.	Temp Pos.	Perm. Pos.	
Act 263/2013	LTG105		Open Data Appropriation	Funds appropriated in FY14-15 by this Act for a full-time attorney position (#120957) to promote open data.	A	1.00	78,000	1.00	32,500	A total of \$100,000 has been appropriated for fiscal years 2014 and 2015, pursuant to Act 263, SLH 2013.
Act 263/2013	LTG105		Open Data Appropriation	The appropriation funds a portion of the open data's support staff and other current expenses.	A		22,000		9,611	

Department of Lt Governor
Capital Improvements Program (CIP) Requests

<u>Prog ID</u>	<u>Prog ID</u> <u>Priority</u>	<u>Dept-</u> <u>Wide</u> <u>Priority</u>	<u>Senate</u> <u>District</u>	<u>Rep.</u> <u>District</u>	<u>Project Title</u>	<u>MOF</u>	<u>FY16 \$\$\$</u>	<u>FY17 \$\$\$</u>
LTG105					None			

Department of Lt Governor

CIP Lapses

<u>Prog ID</u>	<u>Act/Year of Appropriation</u>	<u>Project Title</u>	<u>MOF</u>	<u>Amount \$\$\$\$</u>	<u>Reason</u>
LTG105	None		\$	-	

Department of Lt Governor
Division Resources

Table 24

<u>Division</u>	<u>Associated Program IDs</u>			
Office of Information Practices			LTG105	

Department of Lt Governor
Program ID Sub-Organizations

<u>Program ID</u>	<u>Sub-Org Code</u>	<u>Name</u>	<u>Objective</u>
LTG105			

Department of Lt Governor
 Organization Changes

<u>Year of Change</u> FY15/FY16	<u>Page</u> <u>Number</u>	<u>Description of Change</u>
FY15		Administrative Assistant (fna Legal Assistant) (Position #102666) - See attached Table 26 - Attachment 1
FY15		Open Data Staff Attorney (Position #120957) - See attached Table 26 - Attachment 2
FY15		OIP Supervising Attorney (Position #102021) - See attached Table 26 - Attachment 3
FY15		Records Report Management Specialist (Position #102633) - See attached Table 26 - Attachment 4
FY15		Secretary to Director (Position #102660) - See attached Table 26 - Attachment 5
FY15		Staff Attorney (Positions # 102088, 102257, 121441) - See attached Table 26 - Attachment 6

OFFICE OF INFORMATION PRACTICES

OIP Administrative Assistant Position Description

I. INTRODUCTION

This position is assigned to the Office of Information Practices ("OIP") in Honolulu, which is responsible for administering the Uniform Information Practices Act (Modified) ("UIPA"), Chapter 92F, Hawaii Revised Statutes, which requires access to government records, and the Sunshine Law, Part I of Chapter 92, HRS, which requires access to public meetings. OIP also works in close cooperation with the state Office of Information Management and Technology (OIMT) on open data and other information technology issues. OIP's duties include the investigation and resolution of alleged violations, issuance of legal guidance and opinions, rule-making, education and training, and intervention in litigation.

The OIP Administrative Assistant will have access to confidential materials and essential electronic databases. The Administrative Assistant must provide competent and trustworthy paralegal, administrative, and clerical support to the OIP Director and Attorneys, while also working cooperatively with the other non-legal staff to perform general office duties, including those relating to personnel and financial matters. The OIP Administrative Assistant safeguards confidential materials and OIP's website and provides the public's "first impression" of OIP.

This position is at-will and exempt from the State's Civil Service requirements.

II. MAJOR DUTIES AND RESPONSIBILITIES Time Estimate

A. Provide paralegal, administrative, and clerical support to the Director and Attorneys.

50%

1. Perform various tasks independently, while exercising good judgment and discretion and properly complying with OIP's policies and procedures, to assess requesters' needs and

make an initial determination of whether a request involves a UIPA or Sunshine Law issue before transferring the request to the Attorney of the Day (AOD) or appropriate person.

Recommend to the Director whether to open and how to categorize new case files. Provide non-legal advice and oral or written responses to routine or minor inquiries from government personnel or the general public, while directing media or more complex requests to appropriate personnel. Prepare and maintain individual case folders assigned to attorneys. Interview requesters and obtain facts and other information as may be necessary to assist the Attorneys. Review and search court records, files, manuals, and other documents for information to assist the Attorneys. Review, file, secure, and maintain the confidentiality of documents provided *in camera* to OIP, including confidential or personnel information such as employee grievance and disciplinary records and other matters concerning employer-employee relations. Arrange for public hearing or training rooms and Attorney travel arrangements. Assist the Attorneys in tracking case progress and deadlines. Close cases as directed by the Attorneys and with the Director's consent. Prepare the Attorney binders of OIP's laws, rules, policies, procedures, and guidance materials.

2. Work cooperatively with the Director and the Attorneys to prepare, assemble, proofread, review for formatting accuracy, transmit, and file OIP documents, including formal and informal opinions, correspondence, memoranda, Attorney of the Day (AOD) responses, training materials, What's New articles, and other public communications. Organize, update, and maintain form letters and templates used by Attorneys.

3. Compile accurate OIP statistics and create and update Excel spreadsheets, charts, graphs, and Power Point presentations for statistical and training purposes.
 4. Prepare the monthly calendar for Attorney of the Day assignments. Maintain the case assignment database. Schedule training presentations by Attorneys.
 5. Assist with open data projects. Maintain OIP's UIPA Record Request Log and work with the Records Report Management Specialist (RRMS) to upload OIP's and other agencies' data onto the Master UIPA Record Request Log at data.hawaii.gov, review agencies' Log reports, answer non-legal questions about the Log, and help prepare OIP's Log reports and charts. Refer legal questions regarding the Log to the Open Data Attorney or other available Attorney.
 - 6 Assist the Open Data Attorney and the RRMS in tracking legislative hearing notices and bills, and in preparing, finalizing, and transmitting OIP's testimony and entering testimony in the legislative billtracker. Organize, update, and maintain the legislative history of statutory revisions to the UIPA, Sunshine Law, and Hawaii's Open Data policy.
 7. Assist with special projects and perform other duties as requested by the Director or Open Data Attorney.
- B. Perform general office duties in coordination and cooperation with the non-legal staff, which may include confidential matters involving employer-employee relations. 50%
1. Physically open OIP's office at 7:45 a.m. and close it at 4:30 p.m. each workday, and coordinate lunch schedule with other non-legal
-

staff to ensure that someone will be available to answer OIP's telephone and in-person inquiries.

2. Answer OIP's telephone and refer callers to appropriate persons. Operate and help maintain the working order of the copying machine, printers, fax machine, and other office equipment. Open, sort, and distribute postal and e-mail documents to the appropriate employee and electronically scan documents into proper files. Monitor e-mails to the OIP general e-mail account and forward e-mails to and from relevant employees. Properly file, secure, and maintain OIP documents. Update and destroy old records, in accordance with the appropriate retention policy and OIP procedures. Maintain and update the What's New and other contact lists.
3. Under the direction of the Secretary, perform general office duties, which, with the Director's approval, may include confidential matters affecting employer-employee relations. Accurately enter personal employee data into OIP's computer system and personnel files, and secure and maintain the confidentiality of such information. File, secure, and maintain the confidentiality of other records affecting employer-employee relations. Audit financial reimbursement requests. Prepare budget information. In the Secretary's absence, perform her duties as requested by the Director.
4. Organize and upkeep library materials. Perform an annual inventory of State property located in OIP. Organize and monitor office supply inventory and inform Secretary when supplies should be ordered.
5. Coordinate with the RRMS to disseminate What's New articles, training materials, and other approved communications via OIP's website, e-mail system, and mailing list. Assist

the RRMS in maintaining, updating, revising, and posting materials approved by the Director on OIP's website.

6. Revise, update, and organize a procedures manual for the Administrative Assistant's position.

III. SUPERVISION

The OIP Administrative Assistant falls under the general direction and supervision of the OIP Director, and is directly co-supervised by the Open Data Attorney and the Secretary to the Director. While not directly supervising him or her, all Attorneys may directly assign work to the Administrative Assistant.

IV. MINIMUM REQUIREMENTS

Education/Experience and Training: Graduation from high school. Strong knowledge of business English, spelling, grammar, punctuation, and citation of legal authorities. Accurate typing skills, at least 50 words per minute. Strong arithmetic skills. Proficiency with computer and general office equipment, including calculator, copying machine, scanner, fax machine, and multi-line telephone. Good working knowledge of computer programs, including Microsoft Office 365 (Word, Outlook, Excel, Access, Power Point), and the desire and ability to learn additional programs, such as WordPress, Active Directory, PageMaker, and FAMIS.

Abilities:

- to consistently maintain a positive attitude, willingness to learn and grow, and desire to work cooperatively with co-workers as a part of a team;
- to understand and explain legal processes and procedures;
- to correctly evaluate, summarize, analyze, organize, and retrieve facts and files to assist the Director and the Attorneys;
- to neatly and accurately proofread and finalize legal documents drafted by the Director and the Attorneys;
- to follow oral and written instructions;
- to secure and keep confidential personnel, financial, and other private information, including records of OIP employees, documents provided *in camera* to OIP, and other matters affecting employer-employee relations;

- to exercise honesty, sound judgment, and appropriate discretion in performing job duties, while knowing when to seek assistance or approval from the Director, Open Data Attorney, or Secretary;
- to respond respectfully to inquiries or otherwise deal tactfully, professionally, and effectively with government or private agencies, community groups, individuals, and other persons;
- to demonstrate attention to detail and to do accurate calculations and reporting of OIP's statistics, budget, finances, and purchases;
- to represent OIP in a professional manner in person, on the telephone, or in writing;
- to take the initiative to learn new skills, keep abreast of new developments, perform additional duties, adjust to varying job situations, and help or train others;
- to prepare and proofread short memos and work documents in a clear and professional manner without grammatical, typographical, or punctuation errors;
- to work reliably on a day-to-day basis or while under pressure, and to meet tight deadlines;
- to produce accurate, complete, and high quality work product on a timely and consistent basis; and
- to honestly and properly comply with the State's and OIP's work policies and procedures, and relevant rules, laws, and regulations.

OFFICE OF INFORMATION PRACTICES

Open Data Attorney Position Description

I. INTRODUCTION

This position is assigned to the Office of Information Practices ("OIP") in Honolulu, which is responsible for administering the Uniform Information Practices Act (Modified) ("UIPA"), Chapter 92F, Hawaii Revised Statutes, which requires access to government records, and the Sunshine Law, Part I of Chapter 92, HRS, which requires access to public meetings. OIP also works in close cooperation with the state Office of Information Management and Technology (OIMT) on open data and other information technology issues. OIP's duties include the investigation and resolution of alleged violations, issuance of legal guidance and opinions, rule-making, education and training, and intervention in litigation.

OIP's Open Data Attorney will have access to confidential materials and essential databases. The Open Data Attorney is primarily responsible for identifying, analyzing, and resolving legal issues concerning Hawaii's open government, open data, and privacy laws. The Open Data Attorney will carry his or her own caseload and must be able to perform accurate legal research, prepare well-reasoned and well-written opinions and correspondence, and provide correct written and oral advice. The Open Data Attorney must also develop written or recorded training materials, conduct live or recorded training sessions before large and small audiences, and will regularly interact with government employees and members of the public. The Open Data Attorney is the Acting Director in the Director's absence.

The Open Data Attorney must have a general familiarity with new and evolving communications technology as it relates to the State's open data policies and procedures. This position also serves as OIP's information technology (IT) specialist and is primarily responsible for the day-to-day operational activities of support, security, network administration, and computer systems, with assistance from OIMT and OIP's Records Report Management Specialist (RRMS).

This position is at-will and exempt from the State's Civil Service requirements.

prepared by state and county agencies, for compliance with the legal requirements of the UIPA, Sunshine Law, and the State's Open Data policy. 10%

E. Develop training materials and assist in training of OIP's staff and the personnel of state and county government agencies. Update the UIPA Records Request Log, train government agencies on its use and uploading to the Master Log on data.hawaii.gov, oversee Log training by OIP's Records Report Management Specialist, analyze Log results, and recommend updates and revisions. Coordinate with OIMT and develop new training as necessary to implement open data and other technology projects. Participate in open data workshops and public events. 10%

F. With the assistance of OIMT and OIP's RRMS, provide support for day-to-day computer and networking operations, including the setup, management, and maintenance of IT-related equipment; help put processes in place to maintain a stable network environment; install, implement, and troubleshoot electronic systems; help ensure a high level of electronic data integrity through security systems and procedures; monitor back-up jobs and ensure a high level of completion success rate; advise and assist in growing the technology infrastructure of the organization; train staff on IT-related issues; and provide input and recommendations to the Director on hardware and software technologies. 10%

G. Assist the Director in preparing or conducting performance appraisals, counseling sessions, disciplinary proceedings, and other confidential matters affecting employer-employee relations. 10%

H. Perform such other duties as may be assigned by the Director. 5%

III. SUPERVISION

The Open Data Attorney reports directly to the OIP Director and serves as the Acting Director in the Director's absence. The Open Data Attorney co-supervises OIP's Administrative Assistant with the Secretary to the Director, and should consider input from the Supervising Attorney regarding work assignments given to OIP's

Administrative Assistant. The Open Data Attorney directly supervises the Records Report Management Specialist.

IV. MINIMUM REQUIREMENTS

Education/Experience and Training: Graduation from an accredited law school, and licensed to practice law in the State of Hawaii and in good standing. Excellent writing skills and knowledge of proper Bluebook citations. Strong public speaking skills. Ability to type 60 words per minute. Proficiency with computer and general office equipment, including calculator, copying machine, scanner, and telephone. Strong working knowledge of computer programs, including Microsoft Office 365 (Word, Outlook, Excel, Power Point), and ability to learn new programs. Strong familiarity and experience with communications technology and equipment operating and legal issues

Abilities:

- to consistently maintain a positive attitude, willingness to learn and grow, and desire to work cooperatively as a part of a team;
- to have an excellent understanding of the UIPA, Sunshine Law, and relevant privacy and confidentiality requirements in order to quickly provide general answers to questions from various state and county agencies, the media, and the general public;
- to have a strong familiarity with existing, new, and evolving communications technology and equipment operation, with internet and mobile internet capabilities, and with legal issues concerning communications technology and internet and mobile internet issues;
- to fairly and reasonably manage and supervise people, properly document personnel actions, and inform the Director of personnel issues;
- to conduct interviews or otherwise deal tactfully and professionally with government or private agencies, community groups, individuals, and other persons in furnishing or receiving information;
- to secure and maintain the confidentiality of documents and information provided to OIP, including *in camera* records, and matters affecting employer-employee relations;
- to represent OIP in a professional manner and cooperate on projects with other agencies, organizations, or members of the public;

- to work reliably on a day-to-day basis or while under pressure, and to meet tight deadlines;
- to produce a high quality work product on a timely and consistent basis;
- to conduct thorough legal research and well-reasoned analysis;
- to write clearly and concisely for a varied audience;
- to demonstrate attention to detail and produce accurate, complete, and high quality work product on a timely and consistent basis;
- to exercise sound judgment and discretion in performing job duties, while knowing when to seek assistance or approval from the Director;
- to take the initiative to learn new skills, keep abreast of new developments, perform additional duties, adjust to varying job situations, and help or train others;
- to conduct training sessions, if requested by the Director;
- to speak well in public and to credibly testify before the Legislature, if requested by the Director;
- to draft, promulgate, revise, and implement administrative rules; and
- to honestly and properly comply with the State's and OIP's work policies and procedures, and relevant rules, laws, and regulations.

OFFICE OF INFORMATION PRACTICES

OIP Supervising Attorney Position Description

I. INTRODUCTION

This position is assigned to the Office of Information Practices ("OIP") in Honolulu, which is responsible for administering the Uniform Information Practices Act (Modified) ("UIPA"), Chapter 92F, Hawaii Revised Statutes, which requires access to government records, and the Sunshine Law, Part I of Chapter 92, HRS, which requires access to public meetings. OIP also works in close cooperation with the state Office of Information Management and Technology (OIMT) on open data and other information technology issues. OIP's duties include the investigation and resolution of alleged violations, issuance of legal guidance and opinions, rule-making, education and training, and intervention in litigation.

OIP's Supervising Attorney will have access to confidential materials and essential databases. The Supervising Attorney is primarily responsible for training, overseeing, and evaluating the work of the Staff Attorneys. The Supervising Attorney will carry his or her own caseload and must be able to perform accurate legal research, prepare well-reasoned and well-written opinions and correspondence, and provide correct written and oral advice. The Supervising Attorney must also develop written or recorded training materials, conduct live or recorded training sessions before large and small audiences, and will regularly interact with government employees and members of the public.

This position is at-will and exempt from the State's Civil Service requirements.

II. MAJOR DUTIES AND RESPONSIBILITIES

Time Estimate

- A. Perform legal research regarding all aspects of the UIPA and Sunshine Law, as well as relevant privacy rights and confidentiality statutes. Provide and document oral and/or written general advice to agency personnel and their legal counsel, media reporters, and the general public regarding the UIPA and Sunshine Law. Maintain the

- confidentiality of documents submitted *in camera*, and of confidential matters affecting employer-employee relations. 20%
- B. Write opinions, legal memoranda, correspondence, training materials, guidance, or other information regarding an agency's or the general public's rights and responsibilities under the UIPA and Sunshine Law. Review documents and materials prepared by other attorneys and staff. 25%
- C. Review and respond to an agency's denial of access to information or records, or to an agency's granting of access, and draft decisions. 20%
- D. Review and resolve matters concerning agencies' records reports, the UIPA Record Request Log, board meeting agendas and minutes, and other documents submitted by state and county agencies for compliance with the legal requirements of the UIPA and Sunshine Law. 10%
- E. Propose, draft, analyze, and review legislation, testimony, guidelines, rules, and regulations pertaining to the UIPA and Sunshine Law. Testify before the Legislature and make presentations to large and small groups of diverse people. 10%
- F. Develop training materials and assist in training personnel of state and county agencies. Train and supervise OIP's other attorneys and recommend work assignments. Assist the Director in preparing or conducting performance appraisals, counseling sessions, disciplinary proceedings, and other confidential matters affecting employer-employee relations. 10%
- G. Perform such other duties as may be assigned by the Director. 5%

III. SUPERVISION

The Supervising Attorney reports directly to the OIP Director, and directly supervises the Staff Attorneys. While the Administrative Assistant is directly supervised by the Open Data Attorney, the Supervising Attorney may directly assign work to the Administrative

Assistant and may provide input regarding the Administrative Assistant's work performance to the Open Data Attorney or Director.

IV. MINIMUM REQUIREMENTS

Education/Experience and Training: Graduation from an accredited law school, and licensed to practice law in the State of Hawaii and in good standing. Excellent writing skills and knowledge of proper Bluebook citations. Strong public speaking skills. Ability to type 50 words per minute. Proficiency with computer and general office equipment including calculator, copying machine, scanner and telephone. Strong working knowledge of computer programs, including Microsoft Office 365 (Word, Outlook, Excel, Power Point), and ability to learn new programs.

Abilities:

- to consistently maintain a positive attitude, willingness to learn and grow, and desire to work cooperatively as a part of a team;
- to have an excellent understanding of the UIPA, Sunshine Law, and relevant privacy and confidentiality requirements in order to quickly provide general answers to questions from various state and county agencies, the media, and the general public;
- to fairly and reasonably manage and supervise people, properly document personnel actions, and inform the Director of personnel issues;
- to conduct interviews or otherwise deal tactfully and professionally with government or private agencies, community groups, individuals, and other persons in furnishing or receiving information;
- to secure and maintain the confidentiality of documents and information provided to OIP, including *in camera* records, and matters affecting employer-employee relations;
- to represent OIP in a professional manner and cooperate on projects with other agencies, organizations, or members of the public;
- to work reliably on a day-to-day basis or while under pressure, and to meet tight deadlines;
- to conduct thorough legal research and well-reasoned analysis;
- to write clearly and concisely for a varied audience;
- to demonstrate attention to detail and produce accurate, complete, and high quality work product on a timely and consistent basis;

- to exercise honesty, sound judgment, and appropriate discretion in performing job duties, while knowing when to seek assistance or approval from the Director;
- to take the initiative to learn new skills, keep abreast of new developments, perform additional duties, adjust to varying job situations, and help or train others;
- to conduct training sessions, if requested by the Director
- to speak well in public and to credibly testify before the Legislature, if requested by the Director;
- to draft, promulgate, revise, and implement administrative rules; and
- to honestly and properly comply with the State's and OIP's work policies and procedures, and relevant rules, laws, and regulations.

OFFICE OF INFORMATION PRACTICES

Records Report Management Specialist Position Description

I. INTRODUCTION

This position is assigned to the Office of Information Practices ("OIP") in Honolulu, which is responsible for administering the Uniform Information Practices Act (Modified) ("UIPA"), Chapter 92F, Hawaii Revised Statutes, which requires access to government records, and the Sunshine Law, Part I of Chapter 92, HRS, which requires access to public meetings. OIP also works in close cooperation with the state Office of Information Management and Technology (OIMT) on open data and other information technology issues. OIP's duties include the investigation and resolution of alleged violations, issuance of legal guidance and opinions, rule-making, education and training, and intervention in litigation.

The Records Report Management Specialist ("RRMS") will have access to confidential materials and essential electronic databases. The RRMS must provide technical and administrative support to the Director and the other OIP employees. The RRMS is primarily responsible for updating and maintaining OIP's Records Report System and OIP's website, as well as the Master UIPA Record Request Log on the state's centralized website at data.hawaii.gov. While falling under the general supervision of the Director, the RRMS is directly supervised by the Open Data Attorney and must also work closely and cooperatively with the Secretary and the Administrative Assistant.

This position is at-will and exempt from the State's Civil Service requirements.

II. MAJOR DUTIES AND RESPONSIBILITIES Time Estimate

- | | |
|---|-----|
| <p>A. Administer and update the Records Report System in accordance with the UIPA and train state and county government employees on its use.</p> | 20% |
| <p>B. Assist the Director and the other OIP employees on communications technology and computer issues, and keep abreast of new developments, including security and open data issues. Update and</p> | |

- maintain the OIP website and contact list, as well as the Master UIPA Record Request Log on the state's centralized website, and train OIP's Administrative Assistant to do so as well. Develop, revise, monitor, and post material to the website, as approved by the Director or Open Data Attorney. Attend committee meetings, conduct training sessions, and participate in projects with other government entities or members of the public, as requested by the Director or Open Data Attorney. 20%
- C. Draft and finalize with Director's approval What's New articles, training materials, website updates, annual reports and other documents. Work with the Secretary to the Director and OIP's Administrative Assistant to finalize and distribute What's New articles and other public communications via OIP's website and e-mail system. 15%
- D. Compile statistics and work with the Secretary and Administrative Assistant to provide monthly statistics and annual report data to the Director. Prepare, organize and update a procedures manual for the RRMS duties. 10%
- E. If OIP's Administrative Assistant is not available, the RRMS must physically open OIP's office at 7:45 a.m. each workday, answer OIP's telephone, respond to routine or minor inquiries from government personnel or the general public, direct media or more complex requests to appropriate personnel, and perform other duties of the Administrative Assistant as may be requested by the Director. 10%
- F. Work with OIP's Administrative Assistant to upload OIP's data onto the Master UIPA Record Request Log on the state's centralized website, and train and assist other government agencies to do so as well. Prepare OIP's semiannual and annual reports and charts summarizing the agencies' Master Log data. 10%
- G. Sort and track legislative hearing notices and bills, with assistance from OIP's Administrative Assistant. 10%
-

- H. Assist with special projects and perform other duties as requested by the Director. 5%

III. SUPERVISION

The Records Report Management Specialist falls under the general direction and supervision of the OIP Director, and is directly supervised by the Open Data Attorney.

III. MINIMUM REQUIREMENTS

Education/Experience and Training: Graduation from high school; accurate typing skills, 50 words per minute; strong writing and verbal skills; ability to effectively communicate and teach; proficiency with computer and general office equipment, including calculator, copying machine, scanner, fax machine, and multi-line telephone; strong working knowledge of computer programs, including Microsoft Office 365 (Word, Outlook, Excel, Access, Power Point), WordPress, Active Directory, and PageMaker, and the ability to learn other computer programs.

Abilities:

- to consistently maintain a positive attitude, willingness to learn and grow, and desire to work cooperatively as a part of a team;
- to secure and keep confidential personnel, financial, and other private information, including records provided *in camera* to OIP and matters affecting employer-employee relations;
- to exercise honesty, sound judgment, and appropriate discretion in performing job duties, while knowing when to seek assistance or approval from the Open Data Attorney or Director;
- to follow oral and written instructions;
- to respond respectfully to inquiries or otherwise deal tactfully, professionally, and effectively with government or private agencies, community groups, individuals, and other persons;
- to demonstrate attention to detail and to do accurate calculations and reporting of OIP's statistics, budget, finances, and purchases;
- to represent OIP in a professional manner in person, on the telephone, or in writing;
- to prepare and proofread training materials and work documents in a clear and professional manner without grammatical, typographical, or punctuation errors;

Updated 9/30/2014

- to take the initiative to learn new skills, keep abreast of new developments, perform additional duties, adjust to varying job situations, and help or train others;
- to work reliably on a day-to-day basis or while under pressure, and to meet tight deadlines;
- to produce accurate, complete, and high quality work product on a timely and consistent basis; and
- to honestly and properly comply with the State's and OIP's work policies and procedures, and relevant rules, laws, and regulations.

OFFICE OF INFORMATION PRACTICES

Secretary to Director Position Description

I. INTRODUCTION

This position is assigned to the Office of Information Practices ("OIP") in Honolulu, which is responsible for administering the Uniform Information Practices Act (Modified) ("UIPA"), Chapter 92F, Hawaii Revised Statutes, which requires access to government records, and the Sunshine Law, Part I of Chapter 92, HRS, which requires access to public meetings. OIP also works in close cooperation with the state Office of Information Management and Technology (OIMT) on open data and other information technology issues. OIP's duties include the investigation and resolution of alleged violations, issuance of legal guidance and opinions, rule-making, education and training, and intervention in litigation.

The Secretary to the OIP Director will have access to confidential materials and essential electronic databases. The Secretary must provide competent and trustworthy support to the Director in general office matters and in administrative, budgetary, purchasing, and personnel matters in accordance with the State of Hawaii's policies and procedures. The Secretary is responsible for securing and properly maintaining all OIP records, rules, policies, and procedures, including personnel or confidential materials; Executive Orders, directives, and memos from the Governor, Lt. Governor, or other state agencies; and other policies and procedures relating to OIP's administration. The Secretary also provides clerical support to OIP's Director and Attorneys. Together with the Open Data Attorney, the Secretary co-supervises OIP's Administrative Assistant.

This position is at-will and exempt from the State's Civil Service requirements.

II. MAJOR DUTIES AND RESPONSIBILITIES

Time Estimate

- A. In conformance with relevant laws, policies, and procedures of OIP, the Department of Human Resource Development, the Department of Budget and Finance, and the Governor's Executive Orders, prepare, secure, and maintain personnel and other relevant administrative records involving

employer-employee relations, for the Director's review and approval. File and maintain the confidentiality of employee records, financial records, and other matters affecting employer-employee relations.

30%

- B. Prepare budgets, accounting, financial and administrative documents and reports for Director's review and approval. Organize and maintain accounting, budgetary, financial, and purchasing records, rules, policies and procedures. Be qualified to make purchases using the state P-card. Properly pay all OIP expenses, issue purchase orders and invoices, verify charge card statements with receipts, reconcile banking statements, and prepare and submit accounts payable/receivable reports, expenditure reports, budget worksheets and other forms, and travel and expense reimbursement requests.

30%

- C. Train and supervise OIP's Administrative Assistant in the following: calculation and tracking of employees' vacation, sick, and other leave; maintenance of the office calendar of employees' work and leave schedules; audit of financial reimbursement requests; preparation of the monthly calendar for Attorney of the Day assignments; maintenance of the case assignment database; dissemination of What's New articles and other approved communications on OIP's website or through electronic, postal, or other means, in cooperation with the Records Report Management Specialist; organization and upkeep of library materials; annual inventory of State property; and performance of general office duties. Oversee projects assigned to the Administrative Assistant by the Director and cover the Administrative Assistant's duties in the event of his/her absence.

- D. Provide clerical support to the Director and Attorneys, including word processing; creation and revision of excel spreadsheets, charts, graphs, and power point presentations; filing; copying; drafting of routine or minor correspondence; monitoring of

Director's in and out boxes; and answering telephone calls.

- E. Order office supplies, and administer office equipment leases and other services, such as telephone, cable, internet, legal research, and publications.
- F. Respond to public inquiries, or direct them to appropriate OIP personnel.
- G. Coordinate with the Records Report Specialist and Administrative Assistant to timely and accurately provide monthly and annual report statistics and data.
- H. Prepare, organize, and update a procedures manual for the Secretary's duties.
- I. Assist with special projects and perform other duties as requested by Director. C-I = 40%

III. SUPERVISION

The Secretary reports directly to the Director. Together with the Open Data Attorney, the Secretary co-supervises OIP's Administrative Assistant.

IV. MINIMUM REQUIREMENTS

Education/Experience and Training: Graduation from high school. Strong knowledge of business English, spelling, grammar, and punctuation. Accurate typing skills, at least 60 words per minute. Strong arithmetic skills. Ability to effectively communicate and supervise. Proficiency with computer and general office equipment, including calculator, copying machine, scanner, fax machine, and multi-line telephone. Good working knowledge of computer programs, including Microsoft Office 365 (Word, Outlook, Excel, Access, Power Point), and the desire and ability to learn additional programs, such as WordPress, Active Directory, PageMaker, and FAMIS.

Abilities:

- to consistently maintain a positive attitude, willingness to learn and grow, and desire to work cooperatively as a part of a team;
- to secure and keep confidential personnel, financial, and other private information, including records of OIP employees, documents provided *in camera* to OIP, and other matters affecting employer-employee relations;
- to exercise honesty, sound judgment, and appropriate discretion in performing job duties, while knowing when to seek assistance or approval from the Director;
- to follow oral and written instructions;
- to fairly and reasonably manage and supervise people, properly document personnel actions, and inform the Director of personnel issues;
- to evaluate, summarize, analyze, organize, and retrieve facts and files to assist the Director and Attorneys;
- to neatly and accurately proofread and finalize documents drafted by the Director and the Attorneys;
- to follow oral and written instructions;
- to respond respectfully to inquiries or otherwise deal tactfully, professionally, and effectively with government or private agencies, community groups, individuals, and other persons;
- to demonstrate attention to detail and to do accurate calculations and reporting of OIP's statistics, budget, finances, and purchases;
- to represent OIP in a professional manner in person, on the telephone, or in writing;
- to take the initiative to learn new skills, keep abreast of new developments, perform additional duties, adjust to varying job situations, and help or train others;
- to prepare and proofread short memos and work documents in a clear and professional manner without grammatical, typographical, or punctuation errors;
- to work reliably on a day-to-day basis or while under pressure, and to meet tight deadlines;
- to produce accurate, complete, and high quality work product on a timely and consistent basis; and
- to honestly and properly comply with the State's and OIP's work policies and procedures, and relevant rules, laws, and regulations.

OFFICE OF INFORMATION PRACTICES

Staff Attorney Position Description

I. INTRODUCTION

This position is assigned to the Office of Information Practices ("OIP") in Honolulu, which is responsible for administering the Uniform Information Practices Act (Modified) ("UIPA"), Chapter 92F, Hawaii Revised Statutes, which requires access to government records, and the Sunshine Law, Part I of Chapter 92, HRS, which requires access to public meetings. OIP also works in close cooperation with the state Office of Information Management and Technology (OIMT) on open data and other information technology issues. OIP's duties include the investigation and resolution of alleged violations, issuance of legal guidance and opinions, rule-making, education and training, and intervention in litigation.

The Staff Attorney will have access to confidential materials and essential electronic databases. The Staff Attorney must perform accurate legal research, prepare well-reasoned and well-written opinions and correspondence, and provide correct written and oral advice and training regarding the laws described above. The Staff Attorney may do live or recorded presentations before large and small audiences, and will also regularly interact with government employees and members of the public.

This position is at-will and exempt from the State's Civil Service requirements.

II. MAJOR DUTIES AND RESPONSIBILITIES

Time Estimate

- A. Perform legal research regarding all aspects of the UIPA and Sunshine Law, as well as relevant privacy rights and confidentiality statutes. Provide and document oral and/or written general advice to agency personnel and their legal counsel, media reporters, and the general public regarding the UIPA and Sunshine Law. Maintain the confidentiality of documents submitted *in camera*, and of confidential matters affecting employer-

- employee relations. 25%
- B. Write opinions, legal memoranda, correspondence, training materials, guidance, or other information regarding an agency's or the general public's rights and responsibilities under the UIPA and Sunshine Law. Review documents and materials prepared by other attorneys and staff. 25%
- C. Review and respond to an agency's denial of access to information or records, or to an agency's granting of access, and draft decisions. 25%
- D. Propose, draft, analyze, and review legislation, testimony, guidelines, rules, and regulations pertaining to the UIPA and Sunshine Law. May testify before the Legislature and make live or recorded presentations to large and small groups of diverse people. 5%
- E. Review and resolve matters concerning the agencies' records reports, the UIPA Record Request Log, board meeting agendas and minutes, and other documents prepared by state and county agencies, for compliance with the legal requirements of the UIPA and Sunshine Law. 10%
- F. Develop training materials and assist in training personnel of state and county government agencies. 5%
- G. Perform such other duties as may be assigned by the Director or Supervising Attorney. 5%

III. SUPERVISION

The Staff Attorney works under the general direction and supervision of the OIP Director and is directly supervised by the Supervising Attorney.

IV. MINIMUM REQUIREMENTS

Education/Experience and Training: Graduation from an accredited law school, and licensed to practice law in the State of Hawaii and in good standing. Excellent writing skills and knowledge of proper Bluebook citations. Ability to type 50 words

per minute. Proficiency with computer and general office equipment including calculator, copying machine, scanner and telephone. Strong working knowledge of computer programs, including Microsoft Office 365 (Word, Outlook, Excel, Power Point), and ability to learn new programs.

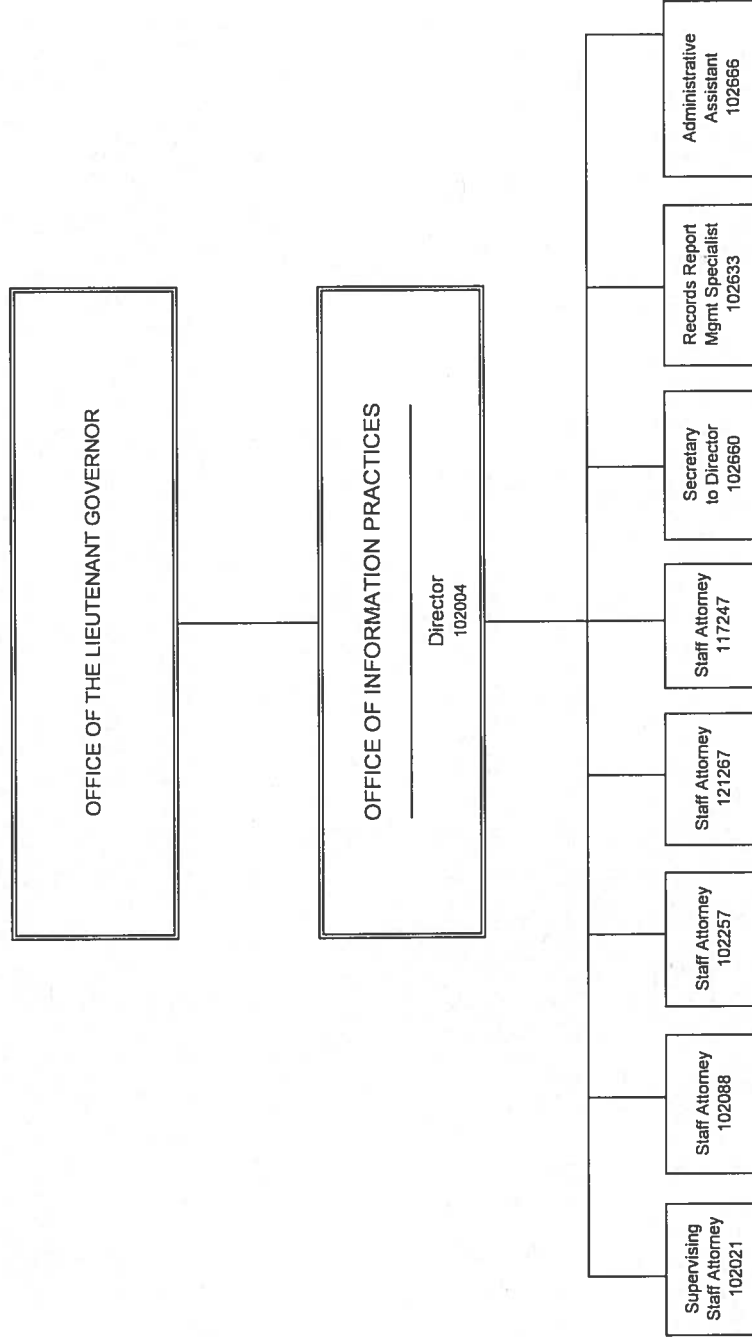
Abilities:

- to consistently maintain a positive attitude, willingness to learn and grow, and desire to work cooperatively as a part of a team;
- to have a good understanding of the UIPA, Sunshine Law, and relevant privacy and confidentiality requirements in order to quickly provide general answers to questions from various state and county agencies, the media, and the general public;
- to conduct interviews or otherwise deal tactfully and professionally with government or private agencies, community groups, individuals, and other persons in furnishing or receiving information;
- to secure and maintain the confidentiality of documents and information provided to OIP, including *in camera* records, and matters affecting employer-employee relations;
- to represent OIP in a professional manner and cooperate on projects with other agencies, organizations, or members of the public;
- to work reliably on a day-to-day basis or while under pressure, and to meet tight deadlines;
- to produce a high quality work product on a timely and consistent basis;
- to conduct thorough legal research and well-reasoned analysis;
- to write clearly and concisely for a varied audience;
- to demonstrate attention to detail and produce accurate, complete, and high quality work product on a timely and consistent basis;
- to exercise honesty, sound judgment, and appropriate discretion in performing job duties, while knowing when to seek assistance or approval from the Director or Supervising Attorney;
- to take the initiative to learn new skills, keep abreast of new developments, perform additional duties, adjust to varying job situations, and help or train others;

- to conduct training sessions, if requested by the Director or Supervising Attorney;
- to speak well in public and to credibly testify before the Legislature, if requested by the Director or Supervising Attorney;
- to draft, promulgate, revise, and implement administrative rules; and
- to honestly and properly comply with the State's and OIP's work policies and procedures, and relevant rules, laws, and regulations.

OFFICE OF INFORMATION PRACTICES

LTG105 - Enforcement of Information Practices
(Office of the Lieutenant Governor)



*Chart does not include Open Data Attorney, Position #120957, authorized by Act 263, SLH 2013, for FY14-15.