
A BILL FOR AN ACT

RELATING TO ESTABLISHING A SECOND DEPUTY DIRECTOR POSITION FOR
THE DEPARTMENT OF HUMAN SERVICES.

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

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

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

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

13 (2) Positions filled by persons employed by contract where
14 the director of human resources development has
15 certified that the service is special or unique or is
16 essential to the public interest and that, because of
17 circumstances surrounding its fulfillment, personnel

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

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

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

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

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

19 (B) Effective July 1, 2003, teaching assistants,
20 educational assistants, bilingual/bicultural
21 school-home assistants, school psychologists,
22 psychological examiners, speech pathologists,
23 athletic health care trainers, alternative school

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1 work study assistants, alternative school
2 educational/supportive services specialists,
3 alternative school project coordinators, and
4 communications aides in the department of
5 education;

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

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

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

16 (13) Positions filled by inmates, kokuas, patients of state
17 institutions, persons with severe physical or mental
18 handicaps participating in the work experience
19 training programs, and students and positions filled
20 through federally funded programs that provide
21 temporary public service employment such as the
22 federal Comprehensive Employment and Training Act of
23 1973;

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- 1 (14) A custodian or guide at Iolani Palace, the Royal
2 Mausoleum, and Hulihee Palace;
- 3 (15) Positions filled by persons employed on a fee,
4 contract, or piecework basis, who may lawfully perform
5 their duties concurrently with their private business
6 or profession or other private employment and whose
7 duties require only a portion of their time, if it is
8 impracticable to ascertain or anticipate the portion
9 of time to be devoted to the service of the State;
- 10 (16) Positions of first deputies or first assistants of
11 each department head appointed under or in the manner
12 provided in section 6, article V, of the state
13 constitution; three additional deputies or assistants
14 either in charge of the highways, harbors, and
15 airports divisions or other functions within the
16 department of transportation as may be assigned by the
17 director of transportation, with the approval of the
18 governor; one additional deputy in the department of
19 human services either in charge of welfare or other
20 functions within the department as may be assigned by
21 the director of human services; four additional
22 deputies in the department of health, each in charge
23 of one of the following: behavioral health,

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

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

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

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

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

- 1 (21) Employees hired under the tenant hire program of the
2 Hawaii public housing authority; provided that except
3 during the time period specified in paragraph (27),
4 not more than twenty-six per cent of the authority's
5 work force in any housing project maintained or
6 operated by the authority shall be hired under the
7 tenant hire program;
- 8 (22) Positions of the federally funded expanded food and
9 nutrition program of the University of Hawaii that
10 require the hiring of nutrition program assistants who
11 live in the areas they serve;
- 12 (23) Positions filled by severely handicapped persons who
13 are certified by the state vocational rehabilitation
14 office that they are able to perform safely the duties
15 of the positions;
- 16 (24) The sheriff;
- 17 (25) A gender and other fairness coordinator hired by the
18 judiciary;
- 19 (26) Positions in the Hawaii national guard youth and adult
20 education programs; and
- 21 (27) From July 1, 2012, to June 30, 2015, persons hired or
22 contracted to perform repair, maintenance, or capital
23 improvement projects work on vacant housing units

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1 under the jurisdiction of the Hawaii public housing
2 authority.

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

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


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

9 SECTION 3. This Act, upon its approval, shall take effect
10 on July 1, 2013; provided that the amendments to section 76-
11 16(b)(16), Hawaii Revised Statutes, in section 1 of this Act
12 shall not be repealed when section 76-16(b), Hawaii Revised
13 Statutes, is reenacted on June 30, 2015, pursuant to section 5
14 of Act 159, Session Laws of Hawaii 2012.

15

16

INTRODUCED BY:



17

BY REQUEST

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Report Title:

Department of Human Services; Second Deputy Director Position;
Establishment

Description:

Restore the second deputy director position for the Department
Of Human Services.

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

JUSTIFICATION SHEET

DEPARTMENT: Human Services

TITLE: A BILL FOR AN ACT RELATING TO ESTABLISHING A SECOND DEPUTY DIRECTOR POSITION FOR THE DEPARTMENT OF HUMAN SERVICES.

PURPOSE: To restore the second deputy director position for the Department of Human Services.

MEANS: Amend section 76-16(b), Hawaii Revised Statutes.

JUSTIFICATION: The Department of Human Services is proposing to restore the second deputy director position that was deleted by Act 223, Session Laws of Hawaii 1994.

Currently, the Department has only one deputy director. Restoring the second deputy position is necessary for the effective management of State's second-largest department which administers an annual budget of \$2,000,000,000 and over 2,000 employees.

The Department of Human Services serves vulnerable and needy adults and children across the Islands. Our programs are diverse and complex with each driven by its own set of laws, rules and regulations both State and federal. Each requires specialized leadership and expertise. It is difficult to develop the breadth of knowledge over all the Department's programs that is necessary for effective management of all the programs.

Effective management of the Department and its programs requires collaboration within the Department, with other state, federal and local agencies, with the community and the clients served.

The Department's \$2,000,000,000 budget also makes it especially critical that programs are run well with broad collaboration to ensure that tax payer dollars are well spent and that program objectives are being met and the community is being served as intended.

The Department's programs:

- Help clients escape poverty and achieve full employment
- Prevent abuse and neglect among children and vulnerable adults
- Strengthen families and promote positive youth development
- Provide high-quality public health insurance to low-income adults and children; and
- Empower people with disabilities so they can enter or re-enter the workforce.

Successful programs help Hawaii residents to achieve self-sufficiency, self-determination, independence, healthy lifestyles and personal dignity as well as contributing to the State's economic base.

Impact on the public: More effective and efficient administration of the Department and its programs for clients and effective use of tax payer dollars.

Impact on the department and other agencies: More efficiently and effectively administered departmental programs and better coordination with partner agencies and the community.

GENERAL FUND: \$110,808

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HMS 904

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OTHER AFFECTED
AGENCIES:

None.

EFFECTIVE DATE:

July 1, 2013.