

S.B. NO. 2846

JAN 23 2014

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. The department of human services has the
2 largest operating budget of any state department, over \$2.5
3 billion, including sixty-seven per cent of all the State's
4 federal operating funds. The department also has the fifth
5 largest staff of any department, with over 2,000 employees
6 staffing its four divisions and three administratively attached
7 agencies.

8 Currently, the department has only one deputy director.
9 Act 223, Session Laws of Hawaii 1994, deleted the second deputy
10 director position, which was prompted by the State's poor
11 economy at that time.

12 The department serves vulnerable and needy adults and
13 children statewide and is responsible for diverse and complex
14 programs driven by their own unique and ubiquitous state and
15 federal laws, rules, and regulations. With little overlap
16 between the wide array of services offered by the department and
17 each program's laws and regulations, the breadth of knowledge

1 necessary for effective management of all the programs is
2 extensive and difficult to develop.

3 The department's programs and services include: protection
4 of vulnerable children and adults; vocational rehabilitation and
5 financial assistance to the disabled; the Supplemental Nutrition
6 Assistance Program, financial assistance, job training and
7 placement; housing and services for the homeless; Medicaid
8 services for the State's medically needy population; and
9 prevention, treatment, and housing for the State's youthful
10 offenders.

11 In addition to helping Hawaii's vulnerable individuals, the
12 department manages significant federal and state funds and
13 processes vast amounts of information - its mainframe computer
14 is the largest in state government. The department's accounting
15 and budget functions have grown more complex as requirements to
16 track the receipt and expenditure of federal funds has increased
17 the number of departmental appropriation accounts from 51 to
18 118. The department also takes on new federal and state
19 programs or mandates on a regular and on-going basis. In this
20 past year alone, the federal Affordable Care Act required the
21 department to expend significant resources conforming its
22 administrative rules to the Affordable Care Act's new
23 requirements and the development of Kolea -the Med-QUEST

1 division's new integrated eligibility system, which also
2 determines eligibility for advanced premium tax credits and cost
3 share reductions for the Hawaii health connector's clients.
4 This effort severely taxed the resources of the director's
5 office.

6 The effective management of the department and its programs
7 also requires collaboration within the department, with other
8 state, federal, and local agencies, with the community and the
9 clients served. Maintaining these necessary collaborations
10 further erodes the ability of the director's office to fully
11 oversee personnel matters, fiscal and budget issues, information
12 technology development, and operational matters related to
13 quality control, program oversight, and reporting.

14 The purpose of this Act is to restore the second deputy
15 position that is necessary for the effective management of the
16 department's diverse and complex programs affecting poor and
17 vulnerable adults and children statewide. The department's
18 budget of over \$2.5 billion also makes it especially critical
19 that programs are run well, comply with federal and state laws
20 and regulations, and that state and federal tax dollars are well
21 spent, by programs meeting their objectives and serving the
22 community as intended.

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

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

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

13 (2) Positions filled by persons employed by contract where
14 the director of human resources development has
15 certified that the service is special or unique or is
16 essential to the public interest and that, because of
17 circumstances surrounding its fulfillment, personnel
18 to perform the service cannot be obtained through
19 normal civil service recruitment procedures. Any such
20 contract may be for any period not exceeding one year;

21 (3) Positions that must be filled without delay to comply
22 with a court order or decree if the director
23 determines that recruitment through normal recruitment

- 1 civil service procedures would result in delay or
2 noncompliance, such as the Felix-Cayetano consent
3 decree;
- 4 (4) Positions filled by the legislature or by either house
5 or any committee thereof;
- 6 (5) Employees in the office of the governor and office of
7 the lieutenant governor, and household employees at
8 Washington Place;
- 9 (6) Positions filled by popular vote;
- 10 (7) Department heads, officers, and members of any board,
11 commission, or other state agency whose appointments
12 are made by the governor or are required by law to be
13 confirmed by the senate;
- 14 (8) Judges, referees, receivers, masters, jurors, notaries
15 public, land court examiners, court commissioners, and
16 attorneys appointed by a state court for a special
17 temporary service;
- 18 (9) One bailiff for the chief justice of the supreme court
19 who shall have the powers and duties of a court
20 officer and bailiff under section 606-14; one
21 secretary or clerk for each justice of the supreme
22 court, each judge of the intermediate appellate court,
23 and each judge of the circuit court; one secretary for

S.B. NO. 2846

1 the judicial council; one deputy administrative
2 director of the courts; three law clerks for the chief
3 justice of the supreme court, two law clerks for each
4 associate justice of the supreme court and each judge
5 of the intermediate appellate court, one law clerk for
6 each judge of the circuit court, two additional law
7 clerks for the civil administrative judge of the
8 circuit court of the first circuit, two additional law
9 clerks for the criminal administrative judge of the
10 circuit court of the first circuit, one additional law
11 clerk for the senior judge of the family court of the
12 first circuit, two additional law clerks for the civil
13 motions judge of the circuit court of the first
14 circuit, two additional law clerks for the criminal
15 motions judge of the circuit court of the first
16 circuit, and two law clerks for the administrative
17 judge of the district court of the first circuit; and
18 one private secretary for the administrative director
19 of the courts, the deputy administrative director of
20 the courts, each department head, each deputy or first
21 assistant, and each additional deputy, or assistant
22 deputy, or assistant defined in paragraph (16);

S.B. NO. 2846

- 1 (10) First deputy and deputy attorneys general, the
2 administrative services manager of the department of
3 the attorney general, one secretary for the
4 administrative services manager, an administrator and
5 any support staff for the criminal and juvenile
6 justice resources coordination functions, and law
7 clerks;
- 8 (11) (A) Teachers, principals, vice-principals, complex
9 area superintendents, deputy and assistant
10 superintendents, other certificated personnel,
11 not more than twenty noncertificated
12 administrative, professional, and technical
13 personnel not engaged in instructional work;
- 14 (B) Effective July 1, 2003, teaching assistants,
15 educational assistants, bilingual/bicultural
16 school-home assistants, school psychologists,
17 psychological examiners, speech pathologists,
18 athletic health care trainers, alternative school
19 work study assistants, alternative school
20 educational/supportive services specialists,
21 alternative school project coordinators, and
22 communications aides in the department of
23 education;

S.B. NO. 2846

- 1 (C) The special assistant to the state librarian and
2 one secretary for the special assistant to the
3 state librarian; and
- 4 (D) Members of the faculty of the University of
5 Hawaii, including research workers, extension
6 agents, personnel engaged in instructional work,
7 and administrative, professional, and technical
8 personnel of the university;
- 9 (12) Employees engaged in special, research, or
10 demonstration projects approved by the governor;
- 11 (13) (A) Positions filled by inmates, patients of state
12 institutions, persons with severe physical or
13 mental disabilities participating in the work
14 experience training programs;
- 15 (B) Positions filled with students in accordance with
16 guidelines for established state employment
17 programs; and
- 18 (C) Positions that provide work experience training
19 or temporary public service employment that are
20 filled by persons entering the workforce or
21 persons transitioning into other careers under
22 programs such as the federal Workforce Investment
23 Act of 1998, as amended, or the Senior Community

1 Service Employment Program of the Employment and
2 Training Administration of the United States
3 Department of Labor, or under other similar state
4 programs;

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

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

14 (16) Positions of first deputies or first assistants of
15 each department head appointed under or in the manner
16 provided in section 6, article V, of the state
17 constitution; three additional deputies or assistants
18 either in charge of the highways, harbors, and
19 airports divisions or other functions within the
20 department of transportation as may be assigned by the
21 director of transportation, with the approval of the
22 governor; one additional deputy in the department of
23 human services either in charge of welfare or other

1 functions within the department as may be assigned by
2 the director of human services; four additional
3 deputies in the department of health, each in charge
4 of one of the following: behavioral health,
5 environmental health, hospitals, and health resources
6 administration, including other functions within the
7 department as may be assigned by the director of
8 health, with the approval of the governor; an
9 administrative assistant to the state librarian; and
10 an administrative assistant to the superintendent of
11 education;

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

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

20 (19) Household employees at the official residence of the
21 president of the University of Hawaii;

22 (20) Employees in the department of education engaged in
23 the supervision of students during meal periods in the

S.B. NO. 2846

- 1 distribution, collection, and counting of meal
2 tickets, and in the cleaning of classrooms after
3 school hours on a less than half-time basis;
- 4 (21) Employees hired under the tenant hire program of the
5 Hawaii public housing authority; provided that, except
6 during the time period specified in paragraph (27),
7 not more than twenty-six per cent of the authority's
8 work force in any housing project maintained or
9 operated by the authority shall be hired under the
10 tenant hire program;
- 11 (22) Positions of the federally funded expanded food and
12 nutrition program of the University of Hawaii that
13 require the hiring of nutrition program assistants who
14 live in the areas they serve;
- 15 (23) Positions filled by persons with severe disabilities
16 who are certified by the state vocational
17 rehabilitation office that they are able to perform
18 safely the duties of the positions;
- 19 (24) The sheriff;
- 20 (25) A gender and other fairness coordinator hired by the
21 judiciary;
- 22 (26) Positions in the Hawaii national guard youth and adult
23 education programs; and

S.B. NO. 2846


1 (27) From July 1, 2012, to June 30, 2015, persons hired or
 2 contracted to perform repair, maintenance, or capital
 3 improvement projects work on vacant housing units
 4 under the jurisdiction of the Hawaii public housing
 5 authority.

6 The director shall determine the applicability of this
 7 section to specific positions.

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

10 SECTION 3. New statutory material is underscored.

11 SECTION 4. This Act, upon its approval, shall take effect
 12 on July 1, 2014; provided that the amendments to section 76-
 13 16(b)(16), Hawaii Revised Statutes, in section 1 of this Act
 14 shall not be repealed when section 76-16(b), Hawaii Revised
 15 Statutes, is reenacted on June 30, 2015, pursuant to section 5
 16 of Act 159, Session Laws of Hawaii 2012.

17
 18 INTRODUCED BY: 

19 BY REQUEST

S.B. NO. 2846

Report Title:

Department of Human Services; Second Deputy position;
Establishment

Description:

Restore the second deputy 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.

The Department of Human Services has the largest operating budget of any state department, over \$2.5 billion, including sixty-seven percent of all the State's federal operating funds. The Department also has the fifth largest staff of any department, with over 2,000 employees staffing its four divisions and three administratively attached agencies.

Currently, the Department has only one deputy director. Act 223, Session Laws of Hawaii 1994, deleted the second deputy director position which was prompted by the State's poor economy at that time.

The Department serves vulnerable and needy adults and children statewide and is responsible for diverse and complex programs driven by their own unique and ubiquitous State and federal laws, rules and regulations. With little overlap between the wide array of services offered by the Department and each program's laws and regulations, the breadth of knowledge necessary for effective management of all

the programs is extensive and difficult to develop.

The Department's programs and services include: protection of vulnerable children and adults; vocational rehabilitation and financial assistance to the disabled; the Supplemental Nutrition Assistance Program, financial assistance, job training and placement; housing and services for the homeless; Medicaid services for the medically needy population; and prevention, treatment, and housing for youthful offenders.

In addition to helping Hawaii's vulnerable individuals, the Department manages significant federal and state funds and processes vast amounts of information - its mainframe computer is the largest in state government. The Department's accounting and budget functions have grown more complex as requirements to track the receipt and expenditure of federal funds has increased the number of departmental appropriation accounts from 51 to 118. The Department also takes on new federal and state programs or mandates on a regular and on-going basis. In this past year alone, the federal Affordable Care Act required the Department to expend significant resources to conform its administrative rules to the Affordable Care Act's new requirements and to the development of Kolea -the Med-QUEST Division's new integrated eligibility system. This effort severely taxed the resources of the Director's Office.

The effective management of the Department and its programs also requires collaboration within the Department, with other state, federal and local agencies, with the community and the clients served. Maintaining these necessary collaborations further erodes the ability of the Director's Office to fully oversee personnel matters, fiscal and budget issues, information technology development, and operational

matters related to quality control, program oversight, and reporting.

The Department's programs:

- Help clients escape poverty and achieve full employment
- Ensure the well-being of low-income families and children;
- 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;
- Empower people with disabilities so they can enter or re-enter the workforce; and
- Prevent delinquency and reduce the incidence of recidivism for at-risk youth.

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.

The purpose of this bill is to restore the second deputy position, which is necessary for the effective management of the Department's diverse and complex programs affecting poor and vulnerable adults and children statewide. The Department's budget of over \$2.5 billion also makes it especially critical that programs are run well, comply with federal and state law and regulations, and that state and federal tax dollars are well spent, by programs meeting their objectives and serving the community as intended.

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

SB. NO. 2846

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.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: July 1, 2014.