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# 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' operating  
2 budget of more than \$2,500,000,000 is the largest operating  
3 budget of any state department and includes sixty-seven per cent  
4 of all the State's federal operating funds. The department also  
5 has the fifth largest staff of any department, with more than  
6 two thousand employees staffing its four divisions and three  
7 administratively attached agencies.

8           Currently, the department has only one deputy director.  
9 Act 223, Session Laws of Hawaii 1994, eliminated the second  
10 deputy 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 regulated by an expansive body of state and federal  
15 laws, rules, and regulations. With little overlap between the  
16 wide array of services offered by the department and each  
17 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 a vast amount of information. The department's  
14 accounting and budget functions have grown more complex as  
15 requirements for tracking the receipt and expenditure of federal  
16 funds have increased and the number of departmental  
17 appropriation accounts has increased from fifty-one to one  
18 hundred eighteen. The department also assumes responsibility  
19 for administering new federal and state programs or mandates on  
20 a regular and on-going basis. In this past year alone, the  
21 federal Patient Protection and Affordable Care Act required the  
22 department to expend significant resources conforming its



1 administrative rules to the federal act's new requirements and  
2 the development of the Kauhale On-Line Eligibility Assistance  
3 System, known as KOLEA, the Med-QUEST division's new integrated  
4 eligibility system that will determine eligibility for advanced  
5 premium tax credits and cost share reductions for the Hawaii  
6 health connector's clients. This effort severely taxed the  
7 resources of the director's office.

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

16       The purpose of this Act is to restore the second deputy  
17 director position, which is necessary for the effective  
18 management of the department's diverse and complex programs  
19 affecting poor and vulnerable adults and children statewide.  
20 The department's budget of more than \$2,500,000,000 also makes  
21 it critical that programs are administered effectively and in  
22 compliance with federal and state laws and regulations and that



1 state and federal tax dollars are spent appropriately so that  
2 programs meet their objectives and serve the community as  
3 intended.

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

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

10 (1) Commissioned and enlisted personnel of the Hawaii  
11 National Guard [~~as such~~], and positions in the Hawaii  
12 National Guard that are required by state or federal  
13 laws or regulations or orders of the National Guard to  
14 be filled from those commissioned or enlisted  
15 personnel;

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



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



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



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

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

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

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



- 1                   psychological examiners, speech pathologists,  
2                   athletic health care trainers, alternative school  
3                   work study assistants, alternative school  
4                   educational/supportive services specialists,  
5                   alternative school project coordinators, and  
6                   communications aides in the department of  
7                   education;
- 8                   (C) The special assistant to the state librarian and  
9                   one secretary for the special assistant to the  
10                  state librarian; and
- 11                  (D) Members of the faculty of the University of  
12                  Hawaii, including research workers, extension  
13                  agents, personnel engaged in instructional work,  
14                  and administrative, professional, and technical  
15                  personnel of the university;
- 16                  (12) Employees engaged in special, research, or  
17                  demonstration projects approved by the governor;
- 18                  (13) (A) Positions filled by inmates, patients of state  
19                  institutions, persons with severe physical or  
20                  mental disabilities participating in the work  
21                  experience training programs;





1 (B) Positions filled with students in accordance with  
2 guidelines for established state employment  
3 programs; and

4 (C) Positions that provide work experience training  
5 or temporary public service employment that are  
6 filled by persons entering the workforce or  
7 persons transitioning into other careers under  
8 programs such as the federal Workforce Investment  
9 Act of 1998, as amended, or the Senior Community  
10 Service Employment Program of the Employment and  
11 Training Administration of the United States  
12 Department of Labor, or under other similar state  
13 programs;

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

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



1           (16) Positions of first deputies or first assistants of  
2           each department head appointed under or in the manner  
3           provided in section 6, article V, of the state  
4           constitution; three additional deputies or assistants  
5           either in charge of the highways, harbors, and  
6           airports divisions or other functions within the  
7           department of transportation as may be assigned by the  
8           director of transportation, with the approval of the  
9           governor; one additional deputy in the department of  
10          human services either in charge of welfare or other  
11          functions within the department as may be assigned by  
12          the director of human services; four additional  
13          deputies in the department of health, each in charge  
14          of one of the following: behavioral health,  
15          environmental health, hospitals, and health resources  
16          administration, including other functions within the  
17          department as may be assigned by the director of  
18          health, with the approval of the governor; an  
19          administrative assistant to the state librarian; and  
20          an administrative assistant to the superintendent of  
21          education;



- 1       (17) Positions specifically exempted from this part by any  
2           other law; provided that all of the positions defined  
3           by paragraph (9) shall be included in the position  
4           classification plan;
- 5       (18) Positions in the state foster grandparent program and  
6           positions for temporary employment of senior citizens  
7           in occupations in which there is a severe personnel  
8           shortage or in special projects;
- 9       (19) Household employees at the official residence of the  
10          president of the University of Hawaii;
- 11       (20) Employees in the department of education engaged in  
12          the supervision of students during meal periods in the  
13          distribution, collection, and counting of meal  
14          tickets, and in the cleaning of classrooms after  
15          school hours on a less than half-time basis;
- 16       (21) Employees hired under the tenant hire program of the  
17          Hawaii public housing authority; provided that, except  
18          during the time period specified in paragraph (27),  
19          not more than twenty-six per cent of the authority's  
20          work force in any housing project maintained or  
21          operated by the authority shall be hired under the  
22          tenant hire program;



1 (22) Positions of the federally funded expanded food and  
2 nutrition program of the University of Hawaii that  
3 require the hiring of nutrition program assistants who  
4 live in the areas they serve;

5 (23) Positions filled by persons with severe disabilities  
6 who are certified by the state vocational  
7 rehabilitation office [~~that they are~~] as being able to  
8 perform safely the duties of the positions;

9 (24) The sheriff;

10 (25) A gender and other fairness coordinator hired by the  
11 judiciary;

12 (26) Positions in the Hawaii National Guard youth and adult  
13 education programs; and

14 (27) From July 1, 2012, to June 30, 2015, persons hired or  
15 contracted to perform repair, maintenance, or capital  
16 improvement projects work on vacant housing units  
17 under the jurisdiction of the Hawaii public housing  
18 authority.

19 The director shall determine the applicability of this  
20 section to specific positions.

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



1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect on July 1, 2050;  
4 provided that the amendments made to section 76-16(b)(16),  
5 Hawaii Revised Statutes, in section 2 of this Act shall not be  
6 repealed when section 76-16(b), Hawaii Revised Statutes, is  
7 reenacted on July 1, 2015, pursuant to section 5 of Act 159,  
8 Session Laws of Hawaii 2012.



**Report Title:**

Department of Human Services; Second Deputy Director

**Description:**

Restores the second deputy director position for the department of human services. Effective July 1, 2050. (SB2846 HD1)

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

