
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
3 \$2,500,000,000, including sixty-seven per cent of all the
4 State's federal operating funds. The department also has the
5 fifth 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 have
17 increased and the number of departmental appropriation accounts
18 has increased from fifty-one to one hundred eighteen. The
19 department also takes on new federal and state programs or
20 mandates on a regular and on-going basis. In this past year
21 alone, the federal Patient Protection and Affordable Care Act
22 required the department to expend significant resources



1 conforming its administrative rules to the Affordable Care Act's
2 new requirements and the development of the Kauhale On-Line
3 Eligibility Assistance System, or KOLEA, the Med-QUEST
4 division's new integrated eligibility system, which also
5 determines eligibility for advanced premium tax credits and cost
6 share reductions for the Hawaii health connector's clients.
7 This effort severely taxed the resources of the director's
8 office.

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

17 The purpose of this Act is to restore the second deputy
18 director position that is necessary for the effective management
19 of the department's diverse and complex programs affecting poor
20 and vulnerable adults and children statewide. The department's
21 budget of over \$2,500,000,000 also makes it especially critical
22 that programs are run well and comply with federal and state



1 laws and regulations, and that state and federal tax dollars are
2 well spent, with programs meeting their objectives and serving
3 the community as 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 able to perform
8 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. New statutory material is underscored.

2 SECTION 4. This Act, upon its approval, shall take effect
3 on July 1, 2014; provided that the amendments to section
4 76-16(b)(16), Hawaii Revised Statutes, in section 2 of this Act
5 shall not be repealed when section 76-16(b), Hawaii Revised
6 Statutes, is reenacted on July 1, 2015, pursuant to section 5 of
7 Act 159, Session Laws of Hawaii 2012.



Report Title:

Department of Human Services; Second Deputy Director position;
Establishment

Description:

Restore the second deputy director position for the department
of human services. (SD1)

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