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**A BILL FOR AN ACT**

RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY.

**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  
18 to perform the service cannot be obtained through

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- 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;

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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

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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,

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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;

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- 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;

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- 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 Hawaii 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; four additional deputies in the department  
10          of health, each in charge of one of the  
11          following: behavioral health, environmental health,  
12          hospitals, and health resources administration,  
13          including other functions within the department as may  
14          be assigned by the director of health, with the  
15          approval of the governor; an administrative assistant  
16          to the state librarian; and an administrative  
17          assistant to the superintendent of education;
- 18          (17) Positions specifically exempted from this part by any  
19          other law; provided that:
- 20                (A) Any exemption created after July 1, 2014, shall  
21                expire three years after its enactment unless

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1                   affirmatively extended by an act of the  
2                   legislature; and

3                   (B) All of the positions defined by paragraph (9)  
4                   shall be included in the position classification  
5                   plan;

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

10                  (19) Household employees at the official residence of the  
11                  president of the University of Hawaii;

12                  (20) Employees in the department of education engaged in  
13                  the supervision of students during meal periods in the  
14                  distribution, collection, and counting of meal  
15                  tickets, and in the cleaning of classrooms after  
16                  school hours on a less than half-time basis;

17                  (21) Employees hired under the tenant hire program of the  
18                  Hawaii public housing authority; [~~provided that not~~  
19                  ~~more than twenty six per cent of the authority's~~  
20                  ~~workforce in any housing project maintained or~~  
21                  ~~operated by the authority shall be hired under the~~  
22                  ~~tenant hire program;~~]



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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; and

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

14 The director shall determine the applicability of this  
15 section to specific positions.

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

18 SECTION 2. Statutory material to be repealed is bracketed  
19 and stricken.

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1 SECTION 3. This Act shall take effect upon its approval.

2

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INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Jon S. ...", is written over a horizontal line.

4

BY REQUEST

JAN 25 2016

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**Report Title:**

Tenant Hire Program; Hawaii Public Housing Authority

**Description:**

Expands the civil service exemption for employees hired under the tenant hire program by the Hawaii Public Housing Authority by removing the percentage limit on such hires.

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

HB2346

JUSTIFICATION SHEET

DEPARTMENT: Human Services/Hawaii Public Housing Authority

TITLE: A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY.

PURPOSE: To expand the civil service exemption for Hawaii Public Housing Authority (HPHA) tenant hires by removing the percentage limit on such hires.

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

JUSTIFICATION: To allow the HPHA to hire tenants without limitation. Currently, HPHA may only hire up to twenty-six percent of the HPHA's workforce in any public housing project. By removing this limitation, the HPHA may hire a greater number of tenants which will help build tenant capacity and encourage tenant investment in their housing.

Impact on the public: There should be a positive impact on the public as more HPHA tenants may be hired, providing greater opportunities for employment and tenant investment.

Impact on the department and other agencies: None.

GENERAL FUNDS: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HMS 220; HMS 229.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.