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# A BILL FOR AN ACT

RELATING TO PERMANENT EXEMPT POSITIONS IN THE DEPARTMENT OF  
HUMAN SERVICES.

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

1           SECTION 1. The legislature finds that department of human  
2 services has the largest operating budget of any state  
3 department, approximately \$3,100,000,000, including seventy-  
4 three per cent of all the State's federal operating funds. The  
5 department also has the fifth largest staff of any department,  
6 with over 2,000 employees staffing its four divisions and three  
7 administratively attached agencies. The department's budget of  
8 over \$3,100,000,000 makes it especially critical that programs  
9 are run well and comply with federal and state laws and  
10 regulations and that state and federal tax dollars are well  
11 spent by programs meeting their objectives and serving the  
12 community as intended.

13           However, the department has only one deputy director. Act  
14 223, Session Laws of Hawaii 1994, deleted the second deputy  
15 director position, which was prompted by the State's poor  
16 economy at that time.



1           The legislature further finds that the department serves  
2 vulnerable adults and children statewide and is responsible for  
3 diverse and complex programs. With little overlap between the  
4 wide array of services offered by the department and each  
5 program's laws and regulations, the breadth of knowledge  
6 necessary for effective management of all the programs is  
7 extensive and difficult to develop.

8           The department's programs and services include: protection  
9 of vulnerable children and adults; vocational rehabilitation and  
10 financial assistance to the disabled; the supplemental nutrition  
11 assistance program; financial assistance; job training and  
12 placement; housing and services for the homeless; medicaid  
13 services for the State's medically needy population; and  
14 prevention, treatment, and housing for the State's youth  
15 offenders.

16           In addition to helping Hawaii's vulnerable individuals, the  
17 department manages significant federal and state funds and  
18 processes vast amounts of information and is currently engaged  
19 in investing in an enterprise integrated eligibility system to  
20 better serve recipients of public benefits and the State's  
21 vulnerable populations. The department's accounting and budget



1 functions have grown more complex as requirements to track the  
2 receipt and expenditure of federal funds have increased the  
3 number of departmental appropriation accounts from fifty-one to  
4 one hundred eighteen. The department also takes on new federal  
5 and state programs and mandates on a regular and ongoing basis.  
6 Implementation of the federal Affordable Care Act required the  
7 department to expend significant resources to conform its  
8 administrative rules to the Affordable Care Act's new  
9 requirements and to develop KOLEA, the Med-QUEST division's  
10 application of the department's enterprise system that  
11 determines medicaid eligibility and also determines eligibility  
12 for advanced premium tax credits and cost share reductions for  
13 the clients of the State's health insurance exchange, formerly  
14 known as the Hawaii health connector. This effort severely  
15 taxed the resources of the director's office and the Med-QUEST  
16 division.

17 The effective management of the department and its programs  
18 also requires collaboration within the department, with other  
19 state, federal, and local agencies, and with the community and  
20 the clients served. Maintaining these necessary collaborations  
21 further erodes the ability of the director's office to fully



1 oversee personnel matters, fiscal and budget issues, information  
2 technology development, and operational matters related to  
3 quality control, program oversight, and reporting.

4 The purpose of this Act is to enable the effective  
5 management of the department of human service's diverse and  
6 complex programs affecting poor and vulnerable adults and  
7 children statewide by restoring as a civil service exempt  
8 position, the second deputy director position for the department  
9 of human services; establishing, as civil service exempt  
10 positions, the positions of community/project development  
11 director and policy director within the office of the director  
12 of human services; and appropriating funds.

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

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

- 19 (1) Commissioned and enlisted personnel of the Hawaii  
20 National Guard as such, and positions in the Hawaii  
21 National Guard that are required by state or federal



1 laws or regulations or orders of the National Guard to  
2 be filled from those commissioned or enlisted  
3 personnel;

4 (2) Positions filled by persons employed by contract where  
5 the director of human resources development has  
6 certified that the service is special or unique or is  
7 essential to the public interest and that, because of  
8 circumstances surrounding its fulfillment, personnel  
9 to perform the service cannot be obtained through  
10 normal civil service recruitment procedures. Any such  
11 contract may be for any period not exceeding one year;

12 (3) Positions that must be filled without delay to comply  
13 with a court order or decree if the director  
14 determines that recruitment through normal recruitment  
15 civil service procedures would result in delay or  
16 noncompliance, such as the Felix-Cayetano consent  
17 decree;

18 (4) Positions filled by the legislature or by either house  
19 or any committee thereof;



- 1 (5) Employees in the office of the governor and office of  
2 the lieutenant governor, and household employees at  
3 Washington Place;
- 4 (6) Positions filled by popular vote;
- 5 (7) Department heads, officers, and members of any board,  
6 commission, or other state agency whose appointments  
7 are made by the governor or are required by law to be  
8 confirmed by the senate;
- 9 (8) Judges, referees, receivers, masters, jurors, notaries  
10 public, land court examiners, court commissioners, and  
11 attorneys appointed by a state court for a special  
12 temporary service;
- 13 (9) One bailiff for the chief justice of the supreme court  
14 who shall have the powers and duties of a court  
15 officer and bailiff under section 606-14; one  
16 secretary or clerk for each justice of the supreme  
17 court, each judge of the intermediate appellate court,  
18 and each judge of the circuit court; one secretary for  
19 the judicial council; one deputy administrative  
20 director of the courts; three law clerks for the chief  
21 justice of the supreme court, two law clerks for each



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



1 the attorney general, one secretary for the  
2 administrative services manager, an administrator and  
3 any support staff for the criminal and juvenile  
4 justice resources coordination functions, and law  
5 clerks;

6 (11) (A) Teachers, principals, vice-principals, complex  
7 area superintendents, deputy and assistant  
8 superintendents, other certificated personnel,  
9 not more than twenty noncertificated  
10 administrative, professional, and technical  
11 personnel not engaged in instructional work;

12 (B) Effective July 1, 2003, teaching assistants,  
13 educational assistants, bilingual/bicultural  
14 school-home assistants, school psychologists,  
15 psychological examiners, speech pathologists,  
16 athletic health care trainers, alternative school  
17 work study assistants, alternative school  
18 educational/supportive services specialists,  
19 alternative school project coordinators, and  
20 communications aides in the department of  
21 education;





- 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



1                    programs such as the federal Workforce Investment  
 2                    Act of 1998, as amended, or the Senior Community  
 3                    Service Employment Program of the Employment and  
 4                    Training Administration of the United States  
 5                    Department of Labor, or under other similar state  
 6                    programs;

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

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

16           (16) Positions of first deputies or first assistants of  
 17           each department head appointed under or in the manner  
 18           provided in section 6, article V, of the Hawaii state  
 19           constitution; three additional deputies or assistants  
 20           either in charge of the highways, harbors, and  
 21           airports divisions or other functions within the



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

16 (17) Positions specifically exempted from this part by any  
17 other law; provided that:

18 (A) Any exemption created after July 1, 2014, shall  
19 expire three years after its enactment unless  
20 affirmatively extended by an act of the  
21 legislature; and



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

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

14 (27) A community project/development director and policy  
15 director in the office of the director of human  
16 services.

17 The director shall determine the applicability of this  
18 section to specific positions.

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



1 SECTION 3. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$ or so  
3 much thereof as may be necessary for fiscal year 2016-2017 for  
4 the salary of the additional deputy director (HMS 904).

5 SECTION 4. There is appropriated out of the general  
6 revenues of the State of Hawaii the sum of \$ or so  
7 much thereof as may be necessary for fiscal year 2016-2017 for  
8 the salary of the private secretary for the additional deputy  
9 director (HMS 904).

10 SECTION 5. There is appropriated out of the general  
11 revenues of the State of Hawaii the sum of \$ or so  
12 much thereof as may be necessary for fiscal year 2016-2017 for  
13 the salary of the community/project development director (HMS  
14 904).

15 SECTION 6. There is appropriated out of the general  
16 revenues of the State of Hawaii the sum of \$ or so  
17 much thereof as may be necessary for fiscal year 2016-2017 for  
18 the salary of the policy director. (HMS 904)

19 SECTION 7. The sums appropriated shall be expended by the  
20 department of human services for the purposes of this Act.



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

3 SECTION 9. This Act shall take effect on July 1, 2060.

4



**Report Title:**

Department of Human Services; Management Positions; Civil  
Service Exemptions; Appropriation

**Description:**

Restores the permanently exempt second deputy director position within the Department of Human Services. Establishes secretary, community/project development director, and policy director positions. Exempts the community/project development director and policy director from civil service status. Appropriates funds for the newly established positions. Effective 7/1/2060. (SD1)

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

