
A BILL FOR AN ACT

RELATING TO CIVIL SERVICE EXEMPTIONS.

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

1 SECTION 1. Section 76-16, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsection (b) to read:

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

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

14 (2) Positions filled by persons employed by contract where
15 the director of human resources development has
16 certified that the service is special or unique or is
17 essential to the public interest and that, because of



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



- 1 (8) Judges, referees, receivers, masters, jurors, notaries
2 public, land court examiners, court commissioners, and
3 attorneys appointed by a state court for a special
4 temporary service;
- 5 (9) One bailiff for the chief justice of the supreme court
6 who shall have the powers and duties of a court
7 officer and bailiff under section 606-14; one
8 secretary or clerk for each justice of the supreme
9 court, each judge of the intermediate appellate court,
10 and each judge of the circuit court; one secretary for
11 the judicial council; one deputy administrative
12 director of the courts; three law clerks for the chief
13 justice of the supreme court, two law clerks for each
14 associate justice of the supreme court and each judge
15 of the intermediate appellate court, one law clerk for
16 each judge of the circuit court, two additional law
17 clerks for the civil administrative judge of the
18 circuit court of the first circuit, two additional law
19 clerks for the criminal administrative judge of the
20 circuit court of the first circuit, one additional law
21 clerk for the senior judge of the family court of the



1 first circuit, two additional law clerks for the civil
2 motions judge of the circuit court of the first
3 circuit, two additional law clerks for the criminal
4 motions judge of the circuit court of the first
5 circuit, and two law clerks for the administrative
6 judge of the district court of the first circuit; and
7 one private secretary for the administrative director
8 of the courts, the deputy administrative director of
9 the courts, each department head, each deputy or first
10 assistant, and each additional deputy, or assistant
11 deputy, or assistant defined in paragraph (16);

12 (10) First deputy and deputy attorneys general, the
13 administrative services manager of the department of
14 the attorney general, one secretary for the
15 administrative services manager, an administrator and
16 any support staff for the criminal and juvenile
17 justice resources coordination functions, and law
18 clerks;

19 (11) (A) Teachers, principals, vice-principals, complex
20 area superintendents, deputy and assistant
21 superintendents, other certificated personnel,



1 not more than twenty noncertificated
2 administrative, professional, and technical
3 personnel not engaged in instructional work;
4 (B) Effective July 1, 2003, teaching assistants,
5 educational assistants, bilingual/bicultural
6 school-home assistants, school psychologists,
7 psychological examiners, speech pathologists,
8 athletic health care trainers, alternative school
9 work study assistants, alternative school
10 educational/supportive services specialists,
11 alternative school project coordinators, and
12 communications aides in the department of
13 education;
14 (C) The special assistant to the state librarian and
15 one secretary for the special assistant to the
16 state librarian; and
17 (D) Members of the faculty of the University of
18 Hawaii, including research workers, extension
19 agents, personnel engaged in instructional work,
20 and administrative, professional, and technical
21 personnel of the university;



1 governor; an administrative assistant to the state
2 librarian; and an administrative assistant to the
3 superintendent of education;

4 ~~[(17) Positions specifically exempted from this part by any
5 other law, provided that:~~

6 ~~(A) Any exemption created after July 1, 2014, shall
7 expire three years after its enactment unless
8 affirmatively extended by an act of the
9 legislature; and~~

10 ~~(B) All of the positions defined by paragraph (9)
11 shall be included in the position classification
12 plan;~~

13 ~~(18)]~~ (16) Positions in the state foster grandparent
14 program and positions for temporary employment of
15 senior citizens in occupations in which there is a
16 severe personnel shortage or in special projects;

17 ~~[(19)]~~ (17) Household employees at the official residence of
18 the president of the University of Hawaii;

19 ~~[(20)]~~ (18) Employees in the department of education engaged
20 in the supervision of students during meal periods in
21 the distribution, collection, and counting of meal



1 tickets, and in the cleaning of classrooms after
2 school hours on a less than half-time basis;

3 [~~+21~~] (19) Employees hired under the tenant hire program of
4 the Hawaii public housing authority; provided that
5 except during the time period specified in paragraph
6 (27), not more than twenty-six per cent of the
7 authority's workforce in any housing project
8 maintained or operated by the authority shall be hired
9 under the tenant hire program;

10 [~~+22~~] (20) Positions of the federally funded expanded food
11 and nutrition program of the University of Hawaii that
12 require the hiring of nutrition program assistants who
13 live in the areas they serve;

14 [~~+23~~] (21) Positions filled by persons with severe
15 disabilities who are certified by the state vocational
16 rehabilitation office that they are able to perform
17 safely the duties of the positions;

18 [~~+24~~] (22) The sheriff;

19 [~~+25~~] (23) A gender and other fairness coordinator hired by
20 the judiciary;



1 [~~(26)~~] (24) Positions in the Hawaii National Guard youth and
2 adult education programs; [~~and~~
3 ~~(27)~~] (25) From July 1, 2012, to June 30, 2015, persons
4 hired or contracted to perform repair, maintenance, or
5 capital improvement projects work on vacant housing
6 units under the jurisdiction of the Hawaii public
7 housing authority~~[-]~~; and
8 (26). Employees in the department of business, economic
9 development, and tourism, which support the Hawaii
10 clean energy initiative program.

11 The director shall determine the applicability of this
12 section to specific positions.

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

15 2. By amending subsection (g) to read:

16 "(g) Each director shall be responsible for ensuring that
17 all exemptions from civil service recruitment procedures or from
18 the classification systems are consistent with this section.
19 With respect to positions exempted under this section on or
20 after July 1, 2002, and prior to July 1, [2002] 2014, by any
21 other law, the director shall review these positions to



1 determine whether the positions should continue to be exempt and
2 if so, whether from civil service recruitment procedures or the
3 classification systems, or both. If the director determines
4 that a position should no longer be exempt from either or both
5 based on the intent of this section, the director shall consult
6 with the appropriate appointing authority and its chief
7 executive on removing the exemptions. With the approval of the
8 chief executive, the director shall take whatever action is
9 necessary to remove the exemptions, including submittal of
10 proposed legislation to remove the exemptions."

11 SECTION 2. The director of human resources development
12 shall submit a report of findings based on the director's review
13 of positions pursuant to section 76-16(g), Hawaii Revised
14 Statutes, to the legislature no later than twenty days prior to
15 the convening of the regular session of 2017.

16 SECTION 3. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 4. This Act shall take effect on January 7, 2059;
19 provided that the amendments made to subsection (b) of section
20 76-16, Hawaii Revised Statutes, by section 2 of this Act shall



1 not be repealed when that section is reenacted on July 1, 2015,
2 pursuant to section 5 of Act 159, Session Laws of Hawaii 2012.



Report Title:

Civil Service; Exemptions

Description:

Amends language to require each director of central personnel agency for a jurisdiction to review state civil service positions exempted under section 76-16, Hawaii Revised Statutes, on or after July 1, 2002, and prior to July 1, 2014, to determine whether the positions should continue to be exempt. Amends the positions that are exempt from civil service. Requires the Director of Human Resources Development to submit a report to the legislature. (SB139 HD1)

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

