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# 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 by amending subsection (g) to read as follows:  
3           "(g) Each director shall be responsible for ensuring that  
4 all exemptions from civil service recruitment procedures or from  
5 the classification systems are consistent with this section.  
6 With respect to positions exempted under this section on or  
7 after July 1, 2002, and prior to July 1, [~~2002~~] 2014, by any  
8 other law, the director shall review these positions to  
9 determine whether the positions should continue to be exempt and  
10 if so, whether from civil service recruitment procedures or the  
11 classification systems, or both. If the director determines  
12 that a position should no longer be exempt from either or both  
13 based on the intent of this section, the director shall consult  
14 with the appropriate appointing authority and its chief  
15 executive on removing the exemptions. With the approval of the  
16 chief executive, the director shall take whatever action is  
17 necessary to remove the exemptions, including submittal of  
18 proposed legislation to remove the exemptions."



1 SECTION 2. Act 300, Session Laws of Hawaii 2006, is  
2 amended by amending section 20 to read as follows:

3 "SECTION 20. [~~(a)~~ An] If an employee, who occupies an  
4 exempt position for at least one year at the time [~~it~~] the  
5 exempt position is replaced by a civil service position through  
6 the process established by this Act [~~shall be appointed to the~~  
7 ~~civil service position that replaces the employee's exempt~~  
8 ~~position; provided that the employee meets the minimum~~  
9 ~~qualification requirements and any other applicable public~~  
10 ~~employment requirements.~~

11 ~~(b) If the employee]~~, is appointed to the civil service  
12 position, the employee's compensation shall be determined  
13 according to the applicable collective bargaining agreement or  
14 supplemental agreement covering exempt employees without loss of  
15 seniority, prior service credit, accrued vacation, accrued sick  
16 leave, or other employee benefits."

17 SECTION 3. The director of human resources development  
18 shall submit a report of findings based on the director's review  
19 of positions pursuant to section 76-16(g), Hawaii Revised  
20 Statutes, to the legislature no later than twenty days prior to  
21 the convening of the regular session of 2017.



1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on January 7, 2059;  
4 provided that section 2 of this Act shall be repealed on July 1,  
5 2017, and section 20 of Act 300, Session Laws of Hawaii 2006,  
6 shall be reenacted in the form in which it read on the day  
7 before the effective date of this Act.

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**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. Until July 1, 2017, removes requirement related to civil service appointment for an employee who occupies an exempt position for at least one year. Requires the director of human resources development to submit a report to the legislature. Effective 01/07/2059. (SD1)

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

