
A BILL FOR AN ACT

RELATING TO EXEMPTIONS FROM CIVIL SERVICE.

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

1 SECTION 1. The department of human services has one of the
2 largest operating budgets of any state department and a staff of
3 more than 2,400 employees deployed state wide; to effectively
4 lead and manage the department's programs and improve service
5 delivery, the department requires a well-experienced and
6 knowledgeable leadership team.

7 The department serves one in four Hawaii residents through
8 programs and services that include: protection of vulnerable
9 children and adults; vocational rehabilitation and financial
10 assistance to the disabled individuals; the Supplemental
11 Nutrition Assistance Program; financial assistance; job training
12 and placement; housing and support services for individuals and
13 families experiencing homelessness; medicaid services for the
14 State's low income population; and prevention, treatment, and
15 housing and services for the State's youthful offenders and
16 other young adults at risk for homelessness, chronic



1 unemployment, and vulnerable to becoming victims of labor or sex
2 trafficking.

3 Each program is governed by complex state and federal laws,
4 rules, and regulations. To improve the efficiency and
5 accessibility to these services statewide, the federal and state
6 governments have made significant investment to transform the
7 department's information technology systems from a 30 plus year
8 old siloed legacy system to an integrated enterprise system.
9 Once completed the department of human services enterprise
10 system will be capable of determining eligibility of multiple
11 programs, improve timely service delivery, and provide greater
12 program and fiscal oversight.

13 To capitalize on investments made to the medicaid
14 eligibility system, known as KOLEA, and to enable complex
15 analytics of public health insurance medical claims through the
16 all-payer claims data warehouse, in 2018, the legislature
17 established the department's health analytics program in the
18 med-QUEST division, and that program will begin to provide
19 analysis of state-funded medical insurance claims that will
20 assist policy makers and program administrators to make
21 necessary adjustments to the coverage of health care in Hawaii.



1 Improving the department's information technology systems
2 likewise necessitates robust investment in department
3 administrators who have the expertise in design and maintenance
4 of information technology systems as well as establishing
5 security programs to ensure the department has sufficient
6 security protocols and processes, as well as a workforce that is
7 trained to recognize and respond to potential system breaches
8 and or attempted hacks.

9 The effective management and transformation of the
10 department into an integrated service delivery system requires
11 department management to lead internal changes as well as to
12 engage in collaborative efforts with other state and federal
13 agencies, legislative bodies, and other external and community
14 partners. Expertise, experience, foresight, and continuity in
15 leadership are necessary to drive departmental changes to
16 address conditions that give rise to poverty and other public
17 welfare problems.

18 The department is challenged in attracting and retaining
19 professionals with necessary qualifications to assume the
20 leadership and oversee personnel matters, fiscal and budget
21 issues, information technology development, and operational



1 matters related to quality control, program oversight, and
2 reporting.

3 Particular issues of homelessness and the status of
4 fatherhood in Hawaii also need dedicated and predictable
5 leadership resources. Homelessness in Hawaii is a major social
6 and economic issues that impact individuals and families,
7 residents and visitors, businesses and communities. There are
8 multiple causes of homelessness and the effective coordinated
9 response to homelessness requires a focused, strategic effort by
10 the governor's coordinator on homelessness who has the
11 expertise, ability, authority, and credentials to work with all
12 stakeholders.

13 In 2015, the state commission on fatherhood commissioned a
14 study of the state of fathers in Hawaii that presented
15 information that was both encouraging and concerning. To
16 further advance the work of the commission on fatherhood and to
17 fulfill its statutory duties, the commission requires an
18 executive director to represent the commission's interests and
19 to conduct the day to day business of the commission to move
20 upon the commission's objectives.



1 In 2016, the legislature passed Act 79 that exempted from
2 the civil service requirements of chapter 76, Hawaii Revised
3 Statutes, for a period of three calendar years commencing on the
4 effective date of the act, the following positions in the Med-
5 QUEST division of the department of human services: the division
6 administrator, finance officer, health care services branch
7 administrator, medical director, and clinical standards
8 administrator. The department seeks to permanently exempt these
9 positions from civil service.

10 To provide oversight on continued development of the
11 department's enterprise system and to address increased security
12 needs of the information technology infrastructure and program
13 integrity, the department seeks to permanently exempt from civil
14 services positions in the director's office: enterprise officer,
15 chief information security and compliance officer, security and
16 privacy compliance engineer, and the security and privacy
17 compliance analyst, to support the overall security of the
18 department's enterprise system.

19 Act 79, Session Laws of Hawaii 2016, also temporarily
20 exempted in the med-QUEST division a research/health analytics
21 manager, and in the director's office of the department of human



1 services: the community/project development director and policy
2 director. The department seeks to continue the temporary
3 exemptions of these positions for three additional years.
4 Additionally, the department seeks a similar temporary exemption
5 of the special assistant to the director.

6 The purpose of this Act is to permanently exempt from
7 provisions of the civil services: the governor's coordinator on
8 homelessness, the executive director of the Hawaii commission on
9 fatherhood, five positions at the Med-QUEST division and four
10 positions in the office of the director of the department of
11 human services. Further, the department seeks to temporarily
12 exempt from civil service in the med-QUEST division the
13 research/health analytics manager, and in the director's office
14 of the department of human services: the community/project
15 development director, policy director, and the special assistant
16 to the director.

17 SECTION 2. Chapter 346, Hawaii Revised Statutes, is
18 amended by adding to part XVIII a new section to be
19 appropriately designated and to read as follows:

20 "§346- Governor's coordinator on homelessness. The
21 governor shall appoint the governor's coordinator on



1 homelessness for the proper administration and enforcement of
2 this chapter without regard to chapter 76."

3 SECTION 3. Chapter 577E, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§577E- Executive director. The commission shall
7 appoint an executive director for the proper administration and
8 enforcement of this chapter without regard to chapter 76."

9 SECTION 4. Section 76-16, Hawaii Revised Statutes, is
10 amended by amending subsection (b) to read as follows:

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

15 (1) Commissioned and enlisted personnel of the Hawaii
16 National Guard as such, and positions in the Hawaii
17 National Guard that are required by state or federal
18 laws or regulations or orders of the National Guard to
19 be filled from those commissioned or enlisted
20 personnel;



- 1 (2) Positions filled by persons employed by contract where
2 the director of human resources development has
3 certified that the service is special or unique or is
4 essential to the public interest and that, because of
5 circumstances surrounding its fulfillment, personnel
6 to perform the service cannot be obtained through
7 normal civil service recruitment procedures. Any such
8 contract may be for any period not exceeding one year;
- 9 (3) Positions that must be filled without delay to comply
10 with a court order or decree if the director
11 determines that recruitment through normal recruitment
12 civil service procedures would result in delay or
13 noncompliance, such as the Felix-Cayetano consent
14 decree;
- 15 (4) Positions filled by the legislature or by either house
16 or any committee thereof;
- 17 (5) Employees in the office of the governor and office of
18 the lieutenant governor, and household employees at
19 Washington Place;
- 20 (6) Positions filled by popular vote;



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



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



1 justice resources coordination functions, and law
2 clerks;

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

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

19 (C) The special assistant to the state librarian and
20 one secretary for the special assistant to the
21 state librarian; and



- 1 (D) Members of the faculty of the University of
2 Hawaii, including research workers, extension
3 agents, personnel engaged in instructional work,
4 and administrative, professional, and technical
5 personnel of the university;
- 6 (12) Employees engaged in special, research, or
7 demonstration projects approved by the governor;
- 8 (13) (A) Positions filled by inmates, patients of state
9 institutions, persons with severe physical or
10 mental disabilities participating in the work
11 experience training programs;
- 12 (B) Positions filled with students in accordance with
13 guidelines for established state employment
14 programs; and
- 15 (C) Positions that provide work experience training
16 or temporary public service employment that are
17 filled by persons entering the workforce or
18 persons transitioning into other careers under
19 programs such as the federal Workforce Investment
20 Act of 1998, as amended, or the Senior Community
21 Service Employment Program of the Employment and



1 Training Administration of the United States
2 Department of Labor, or under other similar state
3 programs;

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

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

13 (16) Positions of first deputies or first assistants of
14 each department head appointed under or in the manner
15 provided in section 6, article V, of the Hawaii State
16 Constitution; three additional deputies or assistants
17 either in charge of the highways, harbors, and
18 airports divisions or other functions within the
19 department of transportation as may be assigned by the
20 director of transportation, with the approval of the
21 governor; four additional deputies in the department



1 of health, each in charge of one of the following:
2 behavioral health, environmental health, hospitals,
3 and health resources administration, including other
4 functions within the department as may be assigned by
5 the director of health, with the approval of the
6 governor; an administrative assistant to the state
7 librarian; and an administrative assistant to the
8 superintendent of education;

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

11 (A) Any exemption created after July 1, 2014, shall
12 expire three years after its enactment unless
13 affirmatively extended by an act of the
14 legislature; and

15 (B) All of the positions defined by paragraph (9)
16 shall be included in the position classification
17 plan;

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



- 1 (19) Household employees at the official residence of the
2 president of the University of Hawaii;
- 3 (20) Employees in the department of education engaged in
4 the supervision of students during meal periods in the
5 distribution, collection, and counting of meal
6 tickets, and in the cleaning of classrooms after
7 school hours on a less than half-time basis;
- 8 (21) Employees hired under the tenant hire program of the
9 Hawaii public housing authority; provided that not
10 more than twenty-six per cent of the authority's
11 workforce in any housing project maintained or
12 operated by the authority shall be hired under the
13 tenant hire program;
- 14 (22) Positions of the federally funded expanded food and
15 nutrition program of the University of Hawaii that
16 require the hiring of nutrition program assistants who
17 live in the areas they serve;
- 18 (23) Positions filled by persons with severe disabilities
19 who are certified by the state vocational
20 rehabilitation office that they are able to perform
21 safely the duties of the positions;



- 1 (24) The sheriff;
- 2 (25) A gender and other fairness coordinator hired by the
3 judiciary;
- 4 (26) Positions in the Hawaii National Guard youth and adult
5 education programs;
- 6 (27) In the state energy office in the department of
7 business, economic development, and tourism, all
8 energy program managers, energy program specialists,
9 energy program assistants, and energy analysts; ~~and~~
- 10 (28) Administrative appeals hearing officers in the
11 department of human services [-];
- 12 (29) In the Med-QUEST division of the department of human
13 services, the division administrator, finance officer,
14 health care services branch administrator, medical
15 director, and clinical standards administrator; and
- 16 (30) In the director's office of the department of human
17 services, the enterprise officer, information security
18 and privacy compliance officer, security and privacy
19 compliance engineer, and security and privacy
20 compliance analyst.



1 The director shall determine the applicability of this
2 section to specific positions.

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

5 SECTION 5. Notwithstanding any other law to the contrary,
6 including section 76-16(b)(17), Hawaii Revised Statutes, and
7 unless affirmatively extended by an act of the legislature, for
8 a period of three calendar years commencing on the effective
9 date of this Act, the following positions shall be exempt from
10 the civil service requirements of chapter 76, Hawaii Revised
11 Statutes:

- 12 (1) In the Med-QUEST division of the department of human
13 services: research/health analytics manager, and
14 (2) In the director's office of the department of human
15 services: the community/project development director,
16 policy director, and the special assistant to the
17 director.

18 SECTION 6. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 7. This Act shall take effect on January 1, 2059.



Report Title:

DHS; Positions Exempted from Civil Service

Description:

Permanently exempts certain positions from civil service.
(HB999 HD1)

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

