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# A BILL FOR AN ACT

RELATING TO EXEMPTIONS FROM CIVIL SERVICE FOR POSITIONS IN THE  
DEPARTMENT OF HUMAN SERVICES.

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

1       SECTION 1. The purpose of this Act is to permanently  
2 exempt from provisions of civil service the following positions  
3 in the department of human services: information technology  
4 implementation manager, assistant information technology  
5 implementation manager, resource manager, community/project  
6 development director, policy director, special assistant to the  
7 director, limited English proficiency project  
8 manager/coordinator, and business technology analyst.

9       SECTION 2. 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



1 National Guard that are required by state or federal  
2 laws or regulations or orders of the National Guard to  
3 be filled from those commissioned or enlisted  
4 personnel;

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

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

19 (4) Positions filled by the legislature or by either house  
20 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; four additional deputies in the department  
4 of health, each in charge of one of the following:  
5 behavioral health, environmental health, hospitals,  
6 and health resources administration, including other  
7 functions within the department as may be assigned by  
8 the director of health, with the approval of the  
9 governor; an administrative assistant to the state  
10 librarian; and an administrative assistant to the  
11 superintendent of education;

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

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

18 (B) All of the positions defined by paragraph (9)  
19 shall be included in the position classification  
20 plan;





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



- 1 (23) Positions filled by persons with severe disabilities  
2 who are certified by the state vocational  
3 rehabilitation office that they are able to perform  
4 safely the duties of the positions;
- 5 (24) The sheriff;
- 6 (25) A gender and other fairness coordinator hired by the  
7 judiciary;
- 8 (26) Positions in the Hawaii National Guard youth and adult  
9 education programs;
- 10 (27) In the state energy office in the department of  
11 business, economic development, and tourism, all  
12 energy program managers, energy program specialists,  
13 energy program assistants, and energy analysts;
- 14 (28) Administrative appeals hearing officers in the  
15 department of human services;
- 16 (29) In the Med-QUEST division of the department of human  
17 services, the division administrator, finance officer,  
18 health care services branch administrator, medical  
19 director, and clinical standards administrator;
- 20 (30) In the director's office of the department of human  
21 services, the enterprise officer, information security



1 and privacy compliance officer, security and privacy  
2 compliance engineer, [~~and~~] security and privacy  
3 compliance analyst[~~+~~], information technology  
4 implementation manager, assistant information  
5 technology implementation manager, resource manager,  
6 community/project development director, policy  
7 director, special assistant to the director, and  
8 limited English proficiency project  
9 manager/coordinator;

10 (31) The Alzheimer's disease and related dementia services  
11 coordinator in the executive office on aging;

12 (32) In the Hawaii emergency management agency, the  
13 executive officer, public information officer, civil  
14 defense administrative officer, branch chiefs, and  
15 emergency operations center state warning point  
16 personnel; provided that, for state warning point  
17 personnel, the director shall determine that  
18 recruitment through normal civil service recruitment  
19 procedures would result in delay or noncompliance;  
20 [~~and~~]



1    ~~[+]~~ (33) ~~[+]~~ The executive director and seven full-time  
2                   administrative positions of the school facilities  
3                   authority~~[-]~~; and

4       (34)   In the social services division of the department of  
5                   human services, the business technology analyst.

6       The director shall determine the applicability of this  
7 section to specific positions.

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

10       SECTION 3. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12       SECTION 4. This Act shall take effect on July 1, 2060.



# S.B. NO. 3106 S.D. 2 H.D. 1

**Report Title:**

DHS; Civil Service; Exemptions

**Description:**

Permanently exempts certain positions in the department of human services from civil service. Effective 7/1/2060. (HD1)

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

