

JAN 25 2023

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# A BILL FOR AN ACT

RELATING TO THE SECOND DEPUTY DIRECTOR IN THE DEPARTMENT OF  
HUMAN SERVICES.

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

2 SECTION 1. The department of human services has one of the  
3 most significant operating budgets of any state department,  
4 which includes a significant amount of federal funds for various  
5 social, employment, protective services, child care, and other  
6 programs. The department also has the fifth largest staff of  
7 any department, with more than two thousand employees staffing  
8 its divisions, staff offices, attached agencies, and  
9 commissions.

10 Currently, the department has only one deputy director.  
11 Act 223, Session Laws of Hawaii 1994, deleted the second deputy  
12 director position, prompted by the State's poor economy at that  
13 time.

14 The department serves vulnerable and low-income adults,  
15 families, and children statewide. The diversity of programs is  
16 complex and governed by their unique state and federal laws,  
17 rules, and regulations. As a result, the required breadth of  
18 knowledge and experience necessary for effective leadership and

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1 management of all the programs is extensive and challenging to  
2 develop and meet the department's needs.

3       The department's programs and services, and services of  
4 three attached agencies, include health care services; child  
5 care licensing and subsidies; child abuse and neglect prevention  
6 services; protective services for vulnerable children and  
7 adults; vocational rehabilitation; financial assistance;  
8 nutrition assistance; assistance with utilities; job training  
9 and placement; housing and services for individuals and families  
10 experiencing homelessness; prevention, treatment, and housing  
11 for the state's youthful offenders; and therapeutic services for  
12 young adults at risk of homelessness or involvement with the  
13 criminal justice system. The department also supports four  
14 commissions that advocate for the rights and services of  
15 Hawaii's women, youth, fatherhood, and the lesbian, gay,  
16 bisexual, queer, and plus communities.

17       The department provides more than one-third of Hawaii's  
18 residents with one or more human services by collecting,  
19 maintaining, and securing vast amounts of information in  
20 multiple record systems. The department is engaged in  
21 modernizing its systems and processes to serve residents better

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1 and to provide staff with modern tools and an efficient work  
2 environment.

3 The department's fiscal management and budget functions  
4 grow more complex as requirements to track the receipt and  
5 expenditure of federal funds have increased the number of  
6 departmental appropriation accounts.

7 The department regularly addresses new or amended federal  
8 and state laws and regulations requiring new administrative and  
9 operational capacities. Since 2010, the Director and Deputy  
10 Director have led and overseen the significant investment of  
11 human and financial resources to implement, innovate, and  
12 maintain programs in compliance with significant federal laws,  
13 such as the Affordable Care Act of 2010, the Workforce  
14 Innovation and Opportunity Act of 2014, the Child Care and  
15 Development Block Grant Act of 2014, Preventing Sex Trafficking  
16 and Strengthening Families Act of 2015, the Family First  
17 Prevention Services Act of 2018, and most recently, the numerous  
18 federal COVID-19 pandemic relief initiatives. These and other  
19 mandates require new rules, implementation processes, system  
20 changes, administrative processes, communication, cross-sector  
21 and community engagement, procurement, training, reorganization,  
22 community outreach, and increased oversight.

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1           The effective management of the department and its programs  
2 also requires internal collaboration as well as collaboration  
3 with other branches, departments, federal and county agencies,  
4 and philanthropic, affinity, and community organizations that  
5 serve Hawaii's families and low-income residents.

6           Additionally, more executive time and resources are  
7 required to support emergency management support functions for  
8 all hazards, including planning and training and emergency and  
9 individual repatriation of United States citizens and their  
10 dependents.

11           The purpose of this Act is to restore the second deputy  
12 director position for the department of human services and fund  
13 the second deputy director position and a private secretary  
14 position for that second deputy director.

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

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

21           (1) Commissioned and enlisted personnel of the Hawaii  
22           National Guard as such, and positions in the Hawaii

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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;

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- 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  
22 associate justice of the supreme court and each judge

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

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1 any support staff for the criminal and juvenile  
2 justice resources coordination functions, and law  
3 clerks;

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

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

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



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- 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  
22 Training Administration of the United States

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1 Department of Labor, or under other similar state  
2 programs;

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

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

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

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

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

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

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- 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;
- 21 (22) Positions of the federally funded expanded food and  
22 nutrition program of the University of Hawaii that

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

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- 1           (30) In the director's office of the department of human  
2           services, the enterprise officer, information security  
3           and privacy compliance officer, security and privacy  
4           compliance engineer, and security and privacy  
5           compliance analyst;
- 6           (31) The Alzheimer's disease and related dementia services  
7           coordinator in the executive office on aging;
- 8           (32) In the Hawaii emergency management agency, the  
9           executive officer, public information officer, civil  
10          defense administrative officer, branch chiefs, and  
11          emergency operations center state warning point  
12          personnel; provided that, for state warning point  
13          personnel, the director shall determine that  
14          recruitment through normal civil service recruitment  
15          procedures would result in delay or noncompliance; and
- 16          (33) The executive director and seven full-time  
17          administrative positions of the school facilities  
18          authority;
- 19          (34) Positions in the Mauna Kea stewardship and oversight  
20          authority; and

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1       [+] (35) [+]   In the office of homeland security of the  
2                   department of defense, the statewide interoperable  
3                   communications coordinator.

4       The director shall determine the applicability of this  
5 section to specific positions.

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

8       SECTION 3.   There is appropriated out of the general  
9 revenues of the State of Hawaii the sum of \$161,092 or so much  
10 thereof as may be necessary for fiscal year 2023-2024 and the  
11 sum of \$165,048 or so much thereof as may be necessary for  
12 fiscal year 2024-2025 to be used for the salary of the  
13 additional deputy director of the department of human services  
14 (HMS 904).

15       There is appropriated out of the general revenues of the  
16 State of Hawaii the sum of \$74,580 or so much thereof as may be  
17 necessary for fiscal year 2023-2024 and the sum of \$78,312 or so  
18 much thereof as may be necessary for fiscal year 2024-2025 to be  
19 used for the salary of the private secretary for the additional  
20 deputy director of the department of human services (HMS 904).

21       The sums appropriated shall be expended by the department  
22 of human services for the purposes of this Act.

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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 upon its approval;  
4 provided that the amendments made to section 76-16(b), Hawaii  
5 Revised Statutes, by section 2 of this Act shall not be repealed  
6 when section 24 of Act 278, Session Laws of Hawaii 2022, takes  
7 effect.

INTRODUCED BY: 

BY REQUEST



# S.B. NO. 1364

**Report Title:**

Department of Human Services; Second Deputy Director; Private Secretary; Appropriations

**Description:**

Restores the second deputy director position for the Department of Human Services; authorizes a private secretary position for the second deputy; appropriate funds.

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

JUSTIFICATION SHEET

DEPARTMENT: Human Services

TITLE: A BILL FOR AN ACT RELATING TO THE SECOND DEPUTY DIRECTOR IN THE DEPARTMENT OF HUMAN SERVICES.

PURPOSE: To restore the second deputy director position for the Department of Human Services (Department). The bill also funds the second deputy director position and a private secretary for that second deputy director position.

MEANS: Amend section 76-16(b), Hawaii Revised Statutes, and appropriate general funds for fiscal years 2023-2024 and 2024-2025.

JUSTIFICATION: Currently, the Department has only one deputy director. Act 223, Session Laws of Hawaii 1994 (Act 223), deleted the second deputy director position.

This bill will restore the second deputy director position deleted by Act 223 and add a general fund appropriation of \$235,672 for FY2023-FY2024 and \$243,360 for FY2024-2025 for the salaries of the second deputy director and that deputy director's private secretary.

The Director's Office needs additional executive leadership to oversee the Department's human resources, technology resources, fiscal, procurement, administrative operations, and internal and external communications, support unstaffed and unfunded commissions, lead or attend task forces and working groups, lead or participate in cross-sector collaboration, and undertake emergency management responsibilities.

The Department of Human Services has one of the most significant operating budgets of any state department. The Department has more than two thousand employees staffing

its four divisions and administratively attached agencies.

The Department serves vulnerable and low-income adults and children statewide with a growing array of federal and state-funded programs that require sufficient human resources, fiscal integrity, modern technology, and continuing innovation to maintain quality and effective service delivery. Each federal and state program is governed by its unique and ubiquitous State and federal laws, rules, and regulations. With little overlap between the array of services offered by the Department and each program's laws and regulations, the breadth of knowledge necessary for effective management of all the programs is extensive and challenging to develop.

The Department's programs and services include the protection of vulnerable children and adults; vocational rehabilitation and financial assistance to the disabled; the Supplemental Nutrition Assistance Program; financial assistance, job training, and placement; housing and services for the homeless; Medicaid services for the medically needy population; and prevention, treatment, and housing for youth offenders.

In addition to helping Hawaii's vulnerable individuals, the Department manages significant federal and state funds and processes vast amounts of information. It is investing in an enterprise and integrated eligibility system to improve access to services by applicants and recipients of public benefits. The Department's accounting and budget functions have grown more complex as requirements to track the receipt and expenditure of federal funds have increased the number of departmental appropriation accounts. The Department also takes on new federal and state programs or mandates regularly.

The effective management of the Department and its programs also requires collaboration within the Department, with other state, federal, and local agencies, community partners, and with clients served. However, maintaining these necessary collaborations further erodes the ability of the Director's Office to fully oversee personnel matters, fiscal and budget issues, information technology development, and operational matters related to quality control, program oversight, and reporting.

Impact on the public: More effective and efficient administration of the Department of Human Services and its client programs and effective use of public funds.

Impact on the department and other agencies: More efficiently and effectively administered departmental programs and better coordination with partner agencies and the community.

GENERAL FUND: \$235,672 (Deputy Director, \$161,092; Private Secretary II, \$74,580) for FY2023-FY2024; and \$243,360 (Deputy Director, \$165,048; Private Secretary II, 78,312) for FY2024-FY2025.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HMS 904.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.