

# S.B. NO. 1378

JAN 23 2025

## A BILL FOR AN ACT

RELATING TO THE HAWAII EMERGENCY MANAGEMENT AGENCY.

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

1       SECTION 1. The legislature finds that there continues to  
2 be an insufficient number of Hawaii emergency management agency  
3 staff and applicants to fill critical position vacancies with  
4 trained, experienced, and qualified personnel. Exempting key  
5 positions of the agency from civil service will create  
6 conditions for a responsive, flexible, and aggressive hiring  
7 system that will expedite the filling of these critical  
8 positions, as well as improving competitive recruiting and  
9 retention of qualified and experienced emergency management  
10 professionals.

11       The purpose of this Act is to convert the emergency  
12 management specialist series positions at level V and higher in  
13 the Hawaii emergency management agency from civil service status  
14 to exempt status.

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

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1 established and embrace all personal services performed for the  
2 State, except the following:

- 3 (1) Commissioned and enlisted personnel of the Hawaii  
4 National Guard and positions in the Hawaii National  
5 Guard that are required by state or federal laws or  
6 regulations or orders of the National Guard to be  
7 filled from those commissioned or enlisted personnel;
- 8 (2) Positions filled by persons employed by contract where  
9 the director of human resources development has  
10 certified that the service is special or unique or is  
11 essential to the public interest and that, because of  
12 circumstances surrounding its fulfillment, personnel  
13 to perform the service cannot be obtained through  
14 normal civil service recruitment procedures. Any  
15 contract may be for any period not exceeding one year;
- 16 (3) Positions that must be filled without delay to comply  
17 with a court order or decree if the director  
18 determines that recruitment through normal recruitment  
19 civil service procedures would result in delay or  
20 noncompliance, such as the Felix-Cayetano consent  
21 decree;

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

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

21 (10) First deputy and deputy attorneys general, the  
22 administrative services manager of the department of

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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 and no 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 or 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 or supportive services specialists,  
19 alternative school project coordinators, and  
20 communications aides in the department of  
21 education;

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

(D) Members of the faculty of the [~~University~~] university of Hawaii, including research workers, extension agents, personnel engaged in instructional work, and administrative, professional, and technical personnel of the university;

(12) Employees engaged in special, research, or demonstration projects approved by the governor;

(13) (A) Positions filled by inmates, patients of state institutions, and persons with severe physical or mental disabilities participating in the work experience training programs;

(B) Positions filled with students in accordance with guidelines for established state employment programs; and

(C) Positions that provide work experience training or temporary public service employment that are filled by persons entering the workforce or persons transitioning into other careers under

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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  
22                   department of transportation as may be assigned by the

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1 director of transportation, with the approval of the  
2 governor; one additional deputy in the department of  
3 human services either in charge of welfare or other  
4 functions within the department as may be assigned by  
5 the director of human services; four additional  
6 deputies in the department of health, each in charge  
7 of one of the following: behavioral health,  
8 environmental health, hospitals, and health resources  
9 administration, including other functions within the  
10 department as may be assigned by the director of  
11 health, with the approval of the governor; two  
12 additional deputies in charge of the law enforcement  
13 programs, administration, or other functions within  
14 the department of law enforcement as may be assigned  
15 by the director of law enforcement, with the approval  
16 of the governor; three additional deputies each in  
17 charge of the correctional institutions,  
18 rehabilitation services and programs, and  
19 administration or other functions within the  
20 department of corrections and rehabilitation as may be  
21 assigned by the director of corrections and  
22 rehabilitation, with the approval of the governor; two



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1 administrative assistants to the state librarian; and  
2 an administrative assistant to the superintendent of  
3 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) Positions in the state foster grandparent program and  
14 positions for temporary employment of senior citizens  
15 in occupations in which there is a severe personnel  
16 shortage or in special projects;

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

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

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

3 (21) Employees hired under the tenant hire program of the  
4 Hawaii public housing authority; provided that no more  
5 than twenty-six per cent of the authority's workforce  
6 in any housing project maintained or operated by the  
7 authority shall be hired under the tenant hire  
8 program;

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

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

17 (24) The sheriff;

18 (25) A gender and other fairness coordinator hired by the  
19 judiciary;

20 (26) Positions in the Hawaii National Guard youth and adult  
21 education programs;

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(27) In the Hawaii state energy office in the department of business, economic development, and tourism, all energy program managers, energy program specialists, energy program assistants, and energy analysts;

(28) Administrative appeals hearing officers in the department of human services;

(29) In the Med-QUEST division of the department of human services, the division administrator, finance officer, health care services branch administrator, medical director, and clinical standards administrator;

(30) In the director's office of the department of human services, the enterprise officer, information security and privacy compliance officer, security and privacy compliance engineer, security and privacy compliance analyst, information technology implementation manager, assistant information technology implementation manager, resource manager, community or project development director, policy director, special assistant to the director, and limited English proficiency project manager or coordinator;

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

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1       (32) In the Hawaii emergency management agency, the  
2       executive officer, public information officer, civil  
3       defense administrative officer, branch chiefs,  
4       positions in the emergency management specialist  
5       series at level V and higher, and emergency operations  
6       center state warning point personnel; provided that  
7       for state warning point personnel, the director shall  
8       determine that recruitment through normal civil  
9       service recruitment procedures would result in delay  
10      or noncompliance;

11      (33) The executive director and seven full-time  
12      administrative positions of the school facilities  
13      authority;

14      (34) Positions in the Mauna Kea stewardship and oversight  
15      authority;

16      (35) In the office of homeland security of the department  
17      of law enforcement, the statewide interoperable  
18      communications coordinator;

19      (36) In the social services division of the department of  
20      human services, the business technology analyst;

21      [+] (37) [+] The executive director and staff of the 911 board;

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1     [+] (38) [+]   Senior software developers in the department of  
2                    taxation;

3     [+] (39) [+]   In the department of law enforcement, five  
4                    Commission on Accreditation for Law Enforcement  
5                    Agencies, Inc., coordinator positions;

6     [+] (40) [+]   The state fire marshal; and

7     [+] (41) [+]   The administrator for the law enforcement standards  
8                    board.


9            The director shall determine the applicability of this  
10   section to specific positions.

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

13           SECTION 3.   Statutory material to be repealed is bracketed  
14   and stricken.   New statutory material is underscored.

15           SECTION 4.   This Act shall take effect upon its approval.

16

17                                   INTRODUCED BY: 

18

BY REQUEST

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**Report Title:**

Hawaii Emergency Management Agency; Civil Service; Exempt  
Positions

**Description:**

Converts the Emergency Management Specialist series positions at level V and higher in the Hawaii Emergency Management Agency from civil service status to exempt status.

*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: Defense

TITLE: A BILL FOR AN ACT RELATING TO THE HAWAII EMERGENCY MANAGEMENT AGENCY.

PURPOSE: To convert Hawaii Emergency Management Agency (HI-EMA) civil service Emergency Management Series positions at level V and higher to exempt positions.

MEANS: Amend section 76-16(b) of the Hawaii Revised Statutes.

JUSTIFICATION: HI-EMA continues to experience an insufficient number of staff and applicants to fill critical position vacancies with trained personnel. Exempting these key positions from civil service will create conditions for a responsive, flexible, and aggressive hiring system that will expedite the filling of these vacancies, as well as improving competitive recruiting and retention of qualified and experienced emergency management professionals. There will also be a reduction of the risk to the State resulting from having extended vacancies in key positions.

The range of the series to be impacted covers Emergency Management Specialists Level V and higher. Currently, HI-EMA has thirteen positions in this series that might be impacted. It has been more than 18 months to fill these types of civil service positions and 10 positions have yet to be filled, costing HI-EMA, the State, and the public countless hours of lost work and requiring needed functions to be given to HI-EMA team members who already have full workloads.

Impact on the public: The public will benefit by improved public safety, disaster, and emergency responsiveness through the

availability of highly qualified, ready, and responsive HI-EMA staff.

Impact on the department and other agencies:  
This will reduce the workload in the recruitment process by the Department of Human Resources Development. The Department of Defense and all other agencies will also be positively impacted in disaster management response during emergencies as a result of a high quality and fully staffed HI-EMA workforce.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: DEF 118.

OTHER AFFECTED  
AGENCIES: Department of Human Resources Development.

EFFECTIVE DATE: Upon approval.