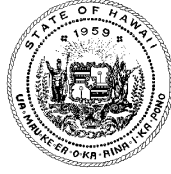


JOSH GREEN, M. D.
GOVERNOR
KE KIA'ĀINA

SYLVIA LUKE
LT. GOVERNOR
KA HOPE KIA'ĀINA



DEPT. COMM. **DC 119**

BRENNA H. HASHIMOTO
DIRECTOR
KA LUNA HO'OKELE

BRIAN K. FURUTO
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
KA 'OIHANA HO'OMŌHALA LIMAHANA
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

December 12, 2024

The Honorable Ronald D. Kouchi, President
and Members of the Senate
Thirty-Third State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Nadine Nakamura, Speaker
and Members of the House
Thirty-Third State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Nakamura, and Members of the Legislature:

For your information and consideration, I am transmitting herewith the 2024 Report of Positions Exempt from Civil Service (Act 300 SLH 2006).

In accordance with Section 93-16 Hawaii Revised Statutes, a copy of the report has been transmitted to the Legislative Reference Bureau Library, and the report may be viewed electronically at: <http://dhrd.hawaii.gov/reports/legislative-reports/>.

Sincerely,

A handwritten signature in black ink that reads "Brenna H. Hashimoto".

Brenna H. Hashimoto
Director

Attachments

**REPORT TO THE 2025 LEGISLATURE
ON POSITIONS EXEMPTED FROM THE CIVIL SERVICE
AS REQUIRED BY ACT 300,
SESSION LAWS OF HAWAII 2006**

**Department of Human Resources Development
December 2024**

Submitted by the Department of Human Resources Development
December 12, 2024

SUMMARY OF REPORT

Act 300, Session Laws of Hawaii (SLH) 2006, directs the Department of Human Resources Development (DHRD) to submit reports on exempt positions to the Legislature prior to each regular session.

Inasmuch as the Act establishes an ongoing annual reporting requirement, and to provide the Legislature with the most current data available, the period covered by each report is from November 1 through October 31 of the applicable year. This report complies with the reporting requirements and provides a status report on the efforts to implement Act 300 for the period November 1, 2023 through October 31, 2024.

During the current reporting period, thirteen (13) exempt positions were replaced with civil service positions. Of the thirteen:

- Nine (9) positions were exempt from civil service based on section 76-16(b)(12), Hawaii Revised Statutes (HRS); and
- Four (4) positions were exempt based on section 76-16(b)(17), HRS.

BACKGROUND

Act 300, SLH 2006 was enacted to “comply with Act 253, SLH 2000.” The Act amended a number of statutory provisions that required positions to be exempt from civil service to allow discretion as to whether the positions should be civil service or exempt from civil service, and also directed DHRD and the Hawaii Government Employees Association (HGEA) “to work collaboratively to establish a logical, workable and fair process for converting positions in various departments, which are currently exempt from chapter 76, Hawaii Revised Statutes, to civil service positions.” The Act also granted rights to exempt employees who occupied the affected exempt positions for at least one year and requires DHRD to submit a report on the conversions of exempt positions to the Legislature prior to each regular session.

DHRD and the HGEA subsequently entered into a Letter of Understanding (LOU) dated March 17, 2011, regarding the identification of positions for conversion. The LOU, whose effective date ended December 31, 2013, sought to significantly increase the number of exempt positions identified for conversion to civil service in all departments of the Executive Branch, and required DHRD to identify exempt positions that may be converted to civil service. DHRD directed significant resources to the LOU to conduct a comprehensive review of positions in all departments that are exempt from civil service based on sections 76-16(b)(12) and (17), HRS.

To further facilitate an increase in the number of exempt positions replaced with civil service positions, DHRD revised Policy No. 1000.002, Appointment of Exempt Employees to Replacement Civil Service Positions, effective November 30, 2011. The policy extends the Act 300, SLH 2006 process to all appropriate conversions.

**ANNUAL REPORT ON
THE NUMBER OF EXEMPT POSITIONS REPLACED WITH CIVIL SERVICE
POSITIONS AND THE NUMBER OF EXEMPT POSITIONS REMAINING**

Act 300 requires DHRD to submit an annual report to the legislature that includes the following information:

1. The number of exempt positions that were converted to civil service during the previous twelve months; and
2. The number of exempt positions remaining in each State department after the conversions.

For the exempt positions that were converted to civil service, the report must also indicate:

1. When the position was established;
2. The purpose of the position; and
3. The rationale for the conversion.

During the current reporting period, thirteen (13) exempt positions were replaced with civil service positions. Of the thirteen:

- Nine (9) positions were exempt from civil service based on section 76-16(b)(12), Hawaii Revised Statutes (HRS); and
- Four (4) positions were exempt based on section 76-16(b)(17), HRS.

As of November 1, 2024, 3,085 exempt positions remain. Aloha Stadium event positions (1011), Student Helper and Student Intern positions (767), and Work Experience positions (2,191) are not included in the number of exempt positions remaining since such positions are not appropriate for conversion to civil service.

- Attachment 1 lists, by department, the exempt positions that were replaced with civil service positions within the reporting period.
- Attachment 2 provides a summary of the number of exempt positions that were replaced with civil service positions in each department.

- Attachment 3 provides the number of exempt positions remaining within each department, as of November 1, 2024, by the statutory basis for exemption.
- Attachment 4 reflects, by department, exempt positions that were identified for conversion to civil service where the incumbents elected to remain exempt pursuant to the applicable Policy No. 1000.002. These positions will be converted to civil service when the incumbents vacate the positions. For the period November 1, 2023 through October 31, 2024, no positions were reported in this category.

DATED: Honolulu, Hawaii, December 12, 2024

Respectfully submitted,

A handwritten signature in black ink that reads "Brenna H. Hashimoto". The signature is written in a cursive, flowing style.

BRENNNA H. HASHIMOTO, Director
Department of Human Resources Development

Attachments

CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2023 - OCTOBER 31, 2024

Department of Commerce and Consumer Affairs								Subsection 17	Subsection 12	
Division	Exempt Pos No	Changed Pos No	CS Title	Purpose of Position	Establish Date	Date of Conversion	Subsection	Legal Authority	Proj Title	Type of Project
Prof&VocLic	00118828	00118828	Secretary II	The PVL Secretary II provides secretarial services to the assigned regulatory boards, commissions or programs administrative assistant. The duties include preparing the agenda for meetings/hearings; attending meetings/hearings and taking minutes; maintaining policies, laws, rules, and other requirements for a particular board or commission; preparing and typing letters; and other related office duties.	11/30/2007	3/19/2024	17	26-9(O), HRS		
Prof&VocLic	00108004	00108004	Regltry Bds/Comms Pgm Spclt IV	PVL Bd & Comm Admins Asst III serves as a senior-level executive officer who provides full administrative services to one or more complex regulatory boards, commissions and programs.	1/20/1999	10/4/2024	17	26-9(O), HRS		

**CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2023 - OCTOBER 31, 2024**

Department of Corrections and Rehabilitation

Department of Corrections and Rehabilitation								Subsection 17	Subsection 12	
Division	Exempt Pos No	Changed Pos No	CS Title	Purpose of Position	Establish Date	Date of Conversion	Subsection	Legal Authority	Proj Title	Type of Project
IntakeSvcCtr	00123159	00123159	Human Svcs Prof IV	Independently manage a caseload of adult felons and misdemeanants, requiring minimal supervision.	11/5/2019	10/25/2024	12		Special Project for Pre-Trial Reform	Special
IntakeSvcCtr	00123162	00123162	Human Svcs Prof V	Independently conduct assessment and investigations on adult misdemeanants and felons pending trial for the purpose of determining release alternatives which ensure appearance in Court and safety of the community, while at the same time addressing the various needs of the individual.	11/5/2019	10/30/2024	12		Special Project for Pre-Trial Reform	Special
IntakeSvcCtr	00123156	00123156	Human Svcs Prof IV	Independently conduct investigations and provide diagnostic and assessment services to adult misdemeanants pending arraignment for the purpose of determining release alternatives which will ensure appearance in Court and safety of the community, while at the same time addressing the various needs of the individual in his/her reintegration/rehabilitation into the community.	11/5/2019	10/24/2024	12		Special Project for Pre-Trial Reform	Special

CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2023 - OCTOBER 31, 2024

Department of Corrections and Rehabilitation

Department of Corrections and Rehabilitation								Subsection 17	Subsection 12	
Division	Exempt Pos No	Changed Pos No	CS Title	Purpose of Position	Establish Date	Date of Conversion	Subsection	Legal Authority	Proj Title	Type of Project
IntakeSvcCtr	00123161	00123161	Human Svcs Prof IV	Plan, develop, organize, direct, supervise, coordinate and review all activities relating to the Maui Field Operations, which includes conducting activities for the initial intake, assessment, and counseling of persons who have been incarcerated pending court hearing, the supervision of persons released into the community on bail or temporary release status, presentence reports to the courts, pretrial assessments, community service restitution program and other related services.	11/5/2019	10/23/2024	12		Special Project for Pre-Trial Reform	Special
IntakeSvcCtr	00123155	00123155	Human Svcs Prof IV	Independently conduct investigations and provide diagnostic and assessment services to adult misdemeanants pending arraignment for the purpose of determining release alternatives which will ensure appearance in Court and safety of the community, while at the same time addressing the various needs of the individual in his/her reintegration/rehabilitation into the community.	11/5/2019	10/24/2024	12		Special Project for Pre-Trial Reform	Special

CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2023 - OCTOBER 31, 2024

Department of Corrections and Rehabilitation

Department of Corrections and Rehabilitation							Subsection 17	Subsection 12		
Division	Exempt Pos No	Changed Pos No	CS Title	Purpose of Position	Establish Date	Date of Conversion	Subsection	Legal Authority	Proj Title	Type of Project
IntakeSvcCtr	00123160	00123160	Human Svcs Prof IV	Responsible for completing intake assessments on defendant's criminogenic risk factors, medical and mental health status, classification and offender programming needs on all defendants, pretrial and sentenced, committed to the correctional facility to determine appropriate housing, security, programming and other needs during confinement; independently conduct pretrial investigations on adult defendants pending trial to determine release alternatives to ensure appearance in Court while maintaining public safety and addressing the defendant's needs; identifying selected defendants for diversion; and for providing direct services and supervision to adult defendants who are appropriate for community supervision.	11/5/2019	10/4/2024	12		Special Project for Pre-Trial Reform	Special

CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2023 - OCTOBER 31, 2024

Department of Corrections and Rehabilitation

Department of Corrections and Rehabilitation								Subsection 17	Subsection 12	
Division	Exempt Pos No	Changed Pos No	CS Title	Purpose of Position	Establish Date	Date of Conversion	Subsection	Legal Authority	Proj Title	Type of Project
IntakeSvcCtr	00123157	00123157	Human Svcs Prof IV	Independently conduct investigations and provide diagnostic and assessment services to adult misdemeanants pending arraignment for the purpose of determining release alternatives which will ensure appearance in Court and safety of the community, while at the same time addressing the various needs of the individual in his/her reintegration/rehabilitation into the community.	11/5/2019	10/24/2024	12		Special Project for Pre-Trial Reform	Special
IntakeSvcCtr	00123158	00123158	Human Svcs Prof IV	Independently manage a caseload of adult felons and misdemeanants, requiring minimal supervision.	11/5/2019	10/25/2024	12		Special Project for Pre-Trial Reform	Special

CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2023 - OCTOBER 31, 2024

Department of Human Services

Department of Human Services								Subsection 17	Subsection 12	
Division	Exempt Pos No	Changed Pos No	CS Title	Purpose of Position	Establish Date	Date of Conversion	Subsection	Legal Authority	Proj Title	Type of Project
HI PubHsAu	00120409	00120409	Building Const Inspector III	The primary purpose of the Housing Building Construction Inspector II is to inspect construction of buildings for workmanship, use of correct materials, inspect utility work, grading, paving, landscaping and other related work in compliance with building codes and ordinances and to verify that the work is done according to the approved plans and specifications. This position also interviews contract journeymen and laborers for Wage and Hour trade classifications to ensure that construction workers are being paid correct prevailing wages.	12/7/2011	9/19/2024	17	HRS 127A-12(b)(9); GOV EP 01/18/24		
BESS Dv	00028157	00028157	Human Svcs Prof IV	Project Manager for the Child Care and Development Fund Implementation project; coordinate, monitor, document an oversee staff responsible for development and management of program admin rules, policies, procedures, forms notices, etc.	10/1/1980	7/31/2024	12		Child Care and Development Fund State Plan Implementation Project	Special

CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2023 - OCTOBER 31, 2024

Department of Taxation

Department of Taxation								Subsection 17	Subsection 12	
Division	Exempt Pos No	Changed Pos No	CS Title	Purpose of Position	Establish Date	Date of Conversion	Subsection	Legal Authority	Proj Title	Type of Project
AdminServOfc	00103171	00103171	Program Budget Analyst V	To analyze complex technical questions relating to the development of Hawaii tax policy, prepare responses to complex taxpayer inquiries considered "written opinions" under section 231-19.5 of the Hawaii Revised Statutes, which the Rules officer has reserved for consideration. This position also is to assure that the administration of the Hawaii's tax laws and policies is set forth in a systematic and orderly manner.	6/8/1990	10/2/2024	17	HRS 231-4.5		

**Summary of Converted Positions [Exempt to Civil Service]
November 1, 2023 - October 31, 2024**

	AGR	AGS	ATG	BED	BUF	CCA	DCR	DEF	GOV	HHL	HMS	HRD	HTH	LAW	LBR	LIB	LNR	LTG	TAX	TRN	UOH	TOTALS
Positions - Subsection 12 ¹		14	3	18	14		23	90			36	11	214		206					34		663
Replaced with Civil Service ²							8				1											9
Remain Exempt ³	1	14	3	18	14		15	90			35	11	214		206					34		654
Positions - Subsection 17 ¹	8	116	14	173	151	243	79	26	1	80	66		116		2	56	99		30	14		1274
Replaced with Civil Service ²						2					1								1			4
Remain Exempt ³	8	116	14	173	151	241	79	26	1	80	65		116		2	56	99		29	14		1270
Total Converted Positions						2	8				2								1			13

Notes:

Effective 7/1/2005, DOE (except LIB (public libraries) is not included in the report pursuant to Act 51, 2004.

Aloha Stadium event positions are not included in count for BED subsection 17.

Footnotes:

¹Number of positions from Report to the 2023 Legislature, Attachment 3.

²Number of positions converted between November 1, 2023 - October 31, 2024.

³Number of positions that remain exempt. Number does not include abolished or new positions.

Summary of Exempt Positions by HR 76-16(b) Subsections and Departments

Subsection	AGR	AGS	ATG	BED	BUF	CCA	DCR	DEF	GOV	HHL	HMS	HRD	HTH	LAW	LBR	LIB	LNR	LTG	TAX	TRN	UOH	Total	
1								15														15	
3													2										2
4			2																				2
5		3							59									16					78
6									1									1					2
7	1	3	1	1	1	2	6	1		1	1	1	3		7		1		4	4			38
9	2	2	2	2	2	2	4	2		2	3	2	5	3	2		3		2	5	15		60
10			279											3									282
11																2							2
12		1	7	21	20		11	103			41	11	268	10	201					61			755
14																	1						1
15													4							15	192		211
16	1	1		1	1	1		1		1	2	1	4		1	1	1		1	4			22
17	8	137	15	193	152	245	78	24		90	94		115	3	58	2	99		30	14			1357
21											40												40
22																					3	1	4
23														1									1
24								103															103
26				40																			40
27											4												4
28											5												5
29											6												6
30													1										1
31								20															20
32																	6						6
34														1									1
35		1	1																				2
37																							
Total	12	148	307	258	176	250	99	269	60	94	196	15	402	21	269	5	111	17	37	106	233	3085	

Notes:

HRMS data as of 11/1/24

Data reflects only those subsections that are cited as the legal authority for exemption from civil service.

The following positions are not included in the counts:

- 1011 Aloha Stadium event positions
- 767 Student Helper & Student Intern positions
- 2191 Work Experience positions

**Exempt positions identified for Replacement with Civil Service Positions but Employees Elected to Remain Exempt
November 1, 2023 - October 31, 2024**

No positions remained exempt due to employee election.