
A BILL FOR AN ACT

RELATING TO QUALIFIED COMMUNITY REHABILITATION PROGRAMS.

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

1 SECTION 1. Section 76-77, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§76-77 Civil service and exemptions.** The civil service
4 to which this part applies comprises all positions in the public
5 service of each county, now existing or hereafter established,
6 and embraces all personal services performed for each county,
7 except the following:

8 (1) Positions in the office of the mayor; provided that
9 the positions shall be included in the classification
10 systems;

11 (2) Positions of officers elected by public vote,
12 positions of heads of departments, and positions of
13 one first deputy or first assistant of heads of
14 departments;

15 (3) Positions of deputy county attorneys, deputy
16 corporation counsel, deputy prosecuting attorneys, and
17 law clerks;



- 1 (4) Positions of members of any board, commission, or
2 agency;
- 3 (5) Positions filled by students; positions filled through
4 federally funded programs [~~which~~] that provide
5 temporary public service employment such as the
6 federal Comprehensive Employment and Training Act of
7 1973; and employees engaged in special research or
8 demonstration projects approved by the mayor, for
9 which projects federal funds are available;
- 10 (6) Positions of district judges, jurors, and witnesses;
- 11 (7) Positions filled by persons employed by contract where
12 the personnel director has certified that the service
13 is special or unique, is essential to the public
14 interest, and that because of the circumstances
15 surrounding its fulfillment, personnel to perform the
16 service cannot be recruited through normal civil
17 service procedures; provided that no contract pursuant
18 to this paragraph shall be for any period exceeding
19 one year;
- 20 (8) Positions of a temporary nature needed in the public
21 interest where the need does not exceed ninety days;



1 provided that before any person may be employed to
2 render temporary service pursuant to this paragraph,
3 the director shall certify that the service is of a
4 temporary nature and that recruitment through normal
5 civil service recruitment procedures is not
6 practicable; and provided further that the employment
7 of any person pursuant to this paragraph may be
8 extended for good cause for an additional period not
9 to exceed ninety days upon similar certification by
10 the director;

11 (9) Positions of temporary election clerks in the office
12 of the county clerk employed during election periods;

13 (10) Positions specifically exempted from this part by any
14 other state statutes;

15 (11) Positions of one private secretary for each department
16 head; provided that the positions shall be included in
17 the classification systems;

18 (12) Positions filled by persons employed on a fee,
19 contract, or piecework basis who may lawfully perform
20 their duties concurrently with their private business
21 or profession or other private employment, if any, and



1 whose duties require only a portion of their time,
2 where it is impracticable to ascertain or anticipate
3 the portion of time devoted to the service of the
4 county and that fact is certified by the director;

5 (13) Positions filled by persons with a severe disability
6 who are certified by the state vocational
7 rehabilitation office as able to safely perform the
8 duties of the positions;

9 (14) Positions of the housing and community development
10 office or department of each county; provided that
11 this exemption shall not preclude each county from
12 establishing these positions as civil service
13 positions;

14 (15) The following positions in the office of the
15 prosecuting attorney: private secretary to the
16 prosecuting attorney, secretary to the first deputy
17 prosecuting attorney, and administrative or executive
18 assistants to the prosecuting attorney; provided that
19 the positions shall be included in the classification
20 systems; and



1 (16) Positions or contracts for personal services with
2 private persons or entities for services lasting no
3 [~~more~~] longer than one year and at a cost of [~~no~~] not
4 more than \$750,000; provided that the exemption under
5 this paragraph shall apply to contracts for building,
6 custodial, and grounds maintenance services with
7 qualified community rehabilitation programs, as
8 defined in section 103D-1001, lasting for no [~~more~~]
9 longer than a year and at a cost of [~~no~~] not more than
10 \$850,000[+] in the aggregate per private person or
11 entity, regardless of the number of contracts or
12 qualified community rehabilitation programs utilized
13 for the personal service.

14 The director shall determine the applicability of this
15 section to specific positions and shall determine whether or not
16 positions exempted by paragraphs (7) and (8) shall be included
17 in the classification systems.

18 Nothing in this section shall be deemed to affect the civil
19 service status of any incumbent private secretary of a
20 department head who held that position on May 7, 1977."



1 SECTION 2. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Civil Service; Exemptions; Contracts; Qualified Community
Rehabilitation Programs

Description:

Clarifies that the civil service exemption for personal service contracts for building, custodial, and grounds maintenance services with qualified community rehabilitation programs shall not cost more than \$850,000 in the aggregate per private person or entity, regardless of the number of contracts or qualified community rehabilitation programs utilized for the personal service. Effective 7/1/2050. (SD1)

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