

JAN 19 2024

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# A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES.

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

1           SECTION 1. The purpose of this Act is to authorize the  
2 department of accounting and general services to hire for  
3 positions directly, rather than having to utilize the department  
4 of human resources development.

5           SECTION 2. Chapter 26, Hawaii Revised Statutes, is amended  
6 by adding a new section to be appropriately designated and to  
7 read as follows:

8           "§26-    Exempt employees. Employees of the department of  
9 accounting and general services not subject to chapter 76 shall  
10 be hired directly by the department and shall serve under the  
11 direction of the comptroller. Exempt employees shall be  
12 eligible to receive the benefits of any state employee benefit  
13 program generally applicable to officers and employees of the  
14 State."

15           SECTION 3. Section 76-16, Hawaii Revised Statutes, is  
16 amended by amending subsection (b) to read as follows:



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

5           (1) Commissioned and enlisted personnel of the Hawaii  
6 National Guard as such, and positions in the Hawaii  
7 National Guard that are required by state or federal  
8 laws or regulations or orders of the National Guard to  
9 be filled from those commissioned or enlisted  
10 personnel;

11           (2) Positions filled by persons employed by contract where  
12 the director of human resources development has  
13 certified that the service is special or unique or is  
14 essential to the public interest and that, because of  
15 circumstances surrounding its fulfillment, personnel  
16 to perform the service cannot be obtained through  
17 normal civil service recruitment procedures [~~—Any~~  
18 ~~such~~]; provided that the contract may be for any  
19 period not exceeding one year;

20           (3) Positions that must be filled without delay to comply  
21 with a court order or decree if the director



1 determines that recruitment through normal recruitment  
2 civil service procedures would result in delay or  
3 noncompliance, such as the Felix-Cayetano consent  
4 decree;

5 (4) Positions filled by the legislature or by either house  
6 or any committee thereof;

7 (5) Employees in the office of the governor and office of  
8 the lieutenant governor, and household employees at  
9 Washington Place;

10 (6) Positions filled by popular vote;

11 (7) Department heads, officers, and members of any board,  
12 commission, or other state agency whose appointments  
13 are made by the governor or are required by law to be  
14 confirmed by the senate;

15 (8) Judges, referees, receivers, masters, jurors, notaries  
16 public, land court examiners, court commissioners, and  
17 attorneys appointed by a state court for a special  
18 temporary service;

19 (9) One bailiff for the chief justice of the supreme court  
20 who shall have the powers and duties of a court  
21 officer and bailiff under section 606-14; one



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



1 of the courts, the deputy administrative director of  
2 the courts, each department head, each deputy or first  
3 assistant, and each additional deputy, or assistant  
4 deputy, or assistant defined in paragraph (16);

5 (10) First deputy and deputy attorneys general, the  
6 administrative services manager of the department of  
7 the attorney general, one secretary for the  
8 administrative services manager, an administrator and  
9 any support staff for the criminal and juvenile  
10 justice resources coordination functions, and law  
11 clerks;

12 (11) (A) Teachers, principals, vice-principals, complex  
13 area superintendents, deputy and assistant  
14 superintendents, other certificated personnel, no  
15 more than twenty noncertificated administrative,  
16 professional, and technical personnel not engaged  
17 in instructional work;

18 (B) Effective July 1, 2003, teaching assistants,  
19 educational assistants, bilingual/bicultural  
20 school-home assistants, school psychologists,  
21 psychological examiners, speech pathologists,



1 athletic health care trainers, alternative school  
2 work study assistants, alternative school  
3 educational/supportive services specialists,  
4 alternative school project coordinators, and  
5 communications aides in the department of  
6 education;

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

10 (D) Members of the faculty of the University of  
11 Hawaii, including research workers, extension  
12 agents, personnel engaged in instructional work,  
13 and administrative, professional, and technical  
14 personnel of the university;

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

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



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

4 (C) Positions that provide work experience training  
5 or temporary public service employment that are  
6 filled by persons entering the workforce or  
7 persons transitioning into other careers under  
8 programs such as the federal Workforce Investment  
9 Act of 1998, as amended, or the Senior Community  
10 Service Employment Program of the Employment and  
11 Training Administration of the United States  
12 Department of Labor, or under other similar state  
13 programs;

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

16 (15) Positions filled by persons employed on a fee,  
17 contract, or piecework basis, who may lawfully perform  
18 their duties concurrently with their private business  
19 or profession or other private employment and whose  
20 duties require only a portion of their time, if it is



1            impracticable to ascertain or anticipate the portion  
2            of time to be devoted to the service of the State;  
3        (16) Positions of first deputies or first assistants of  
4            each department head appointed under or in the manner  
5            provided in section 6, article V, of the Hawaii State  
6            Constitution; three additional deputies or assistants  
7            either in charge of the highways, harbors, and  
8            airports divisions or other functions within the  
9            department of transportation as may be assigned by the  
10          director of transportation, with the approval of the  
11          governor; one additional deputy in the department of  
12          human services either in charge of welfare or other  
13          functions within the department as may be assigned by  
14          the director of human services; four additional  
15          deputies in the department of health, each in charge  
16          of one of the following: behavioral health,  
17          environmental health, hospitals, and health resources  
18          administration, including other functions within the  
19          department as may be assigned by the director of  
20          health, with the approval of the governor; two  
21          additional deputies in charge of the law enforcement



1 programs, administration, or other functions within  
2 the department of law enforcement as may be assigned  
3 by the director of law enforcement, with the approval  
4 of the governor; three additional deputies each in  
5 charge of the correctional institutions,  
6 rehabilitation services and programs, and  
7 administration or other functions within the  
8 department of corrections and rehabilitation as may be  
9 assigned by the director of corrections and  
10 rehabilitation, with the approval of the governor; an  
11 administrative assistant to the state librarian; and  
12 an administrative assistant to the superintendent of  
13 education;

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

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



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;



1       (22) Positions of the federally funded expanded food and  
2            nutrition program of the University of Hawaii that  
3            require the hiring of nutrition program assistants who  
4            live in the areas they serve;

5       (23) Beginning July 1, 2024, employees in the department of  
6            accounting and general services;

7       ~~[(23)]~~ (24) Positions filled by persons with severe  
8            disabilities who are certified by the state vocational  
9            rehabilitation office that they are able to perform  
10          safely the duties of the positions;

11       ~~[(24)]~~ (25) The sheriff;

12       ~~[(25)]~~ (26) A gender and other fairness coordinator hired by  
13          the judiciary;

14       ~~[(26)]~~ (27) Positions in the Hawaii National Guard youth and  
15          adult education programs;

16       ~~[(27)]~~ (28) In the state energy office in the department of  
17          business, economic development, and tourism, all  
18          energy program managers, energy program specialists,  
19          energy program assistants, and energy analysts;

20       ~~[(28)]~~ (29) Administrative appeals hearing officers in the  
21          department of human services;



1        [~~29~~] (30) In the Med-QUEST division of the department of  
2                    human services, the division administrator, finance  
3                    officer, health care services branch administrator,  
4                    medical director, and clinical standards  
5                    administrator;

6        [~~30~~] (31) In the director's office of the department of  
7                    human services, the enterprise officer, information  
8                    security and privacy compliance officer, security and  
9                    privacy compliance engineer, security and privacy  
10                   compliance analyst, information technology  
11                   implementation manager, assistant information  
12                   technology implementation manager, resource manager,  
13                   community/project development director, policy  
14                   director, special assistant to the director, and  
15                   limited English proficiency project  
16                   manager/coordinator;

17        [~~31~~] (32) The Alzheimer's disease and related dementia  
18                    services coordinator in the executive office on aging;

19        [~~32~~] (33) In the Hawaii emergency management agency, the  
20                    executive officer, public information officer, civil  
21                    defense administrative officer, branch chiefs, and



1 emergency operations center state warning point  
2 personnel; provided that for state warning point  
3 personnel, the director shall determine that  
4 recruitment through normal civil service recruitment  
5 procedures would result in delay or noncompliance;

6 ~~(33)~~ (34) The executive director and seven full-time  
7 administrative positions of the school facilities  
8 authority;

9 ~~(34)~~ (35) Positions in the Mauna Kea stewardship and  
10 oversight authority;

11 ~~(35)~~ (36) In the office of homeland security of the  
12 department of law enforcement, the statewide  
13 interoperable communications coordinator; and

14 ~~(36)~~ (37) In the social services division of the  
15 department of human services, the business technology  
16 analyst.

17 The director shall determine the applicability of this  
18 section to specific positions.

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



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

INTRODUCED BY:  \_\_\_\_\_



# S.B. NO. 2821

**Report Title:**

DAGS; Employment; Civil Service

**Description:**

Authorizes the Department of Accounting and General Services to directly hire persons exempt from civil service and collective bargaining requirements. Exempts DAGS employees from civil service.

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

