

JAN 23 2014

A BILL FOR AN ACT

RELATING TO PUBLIC EMPLOYMENT.

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

1 SECTION 1. Act 253, Session Laws of Hawaii 2000, and Act
2 300, Session Laws of Hawaii 2006, sought to reduce the number of
3 civil service exempt employees in public service within the
4 State. The legislature finds that despite the enactment of
5 these Acts, there have been few conversions of civil service
6 exempt positions to civil service positions and conversions are
7 overdue.

8 The purpose of this Act is to amend sections of the Hawaii
9 Revised Statutes to conform with Act 253, Session Laws of Hawaii
10 2000, which placed restrictions on the creation of civil service
11 exempt positions and required the annual review of exempt
12 positions to determine whether exempt positions should remain
13 exempt or be converted to civil service positions.

14 SECTION 2. Section 28-10.5, Hawaii Revised Statutes, is
15 amended by amending subsection (b) to read as follows:

16 "(b) The attorney general may employ, without regard to
17 chapter 76, and at pleasure dismiss, an administrator to oversee
18 and carry out the resource coordination functions of the



1 department set forth in subsection (a). In addition, the
2 attorney general may employ[~~, in accordance with chapter 76,~~]
3 other support staff necessary for the performance of the
4 resource coordination functions[~~-~~]; provided that the support
5 staff shall be employed in accordance with chapter 76."

6 SECTION 3. Section 28-10.6, Hawaii Revised Statutes, is
7 amended by amending subsection (b) to read as follows:

8 "(b) The attorney general may employ, without regard to
9 chapter 76, and at the attorney general's pleasure dismiss, an
10 administrator to oversee and carry out the programs, projects,
11 and activities on the subject of crime, as set forth in
12 subsection (a). The attorney general may also employ other
13 support staff[~~, in accordance with chapter 76,~~] necessary for
14 the performance or coordination of the programs, projects, and
15 activities on the subject of crime[~~-~~]; provided that the support
16 staff shall be employed in accordance with chapter 76."

17 SECTION 4. Section 76-16, Hawaii Revised Statutes, is
18 amended by amending subsection (b) to read as follows:

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



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



- 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



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



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



- 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



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 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; four additional deputies in the department
21 of health, each in charge of one of the following:
22 behavioral health, environmental health, hospitals,



1 and health resources administration, including other
2 functions within the department as may be assigned by
3 the director of health, with the approval of the
4 governor; an administrative assistant to the state
5 librarian; and an administrative assistant to the
6 superintendent of education;

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

9 (A) Any exemption created after July 1, 2014, shall
10 expire three years after its enactment unless
11 affirmatively extended by an act of the
12 legislature; [~~provided that all~~] and

13 (B) All of the positions defined by paragraph (9)
14 shall be included in the position classification
15 plan;

16 (18) Positions in the state foster grandparent program and
17 positions for temporary employment of senior citizens
18 in occupations in which there is a severe personnel
19 shortage or in special projects;

20 (19) Household employees at the official residence of the
21 president of the University of Hawaii;



- 1 (20) Employees in the department of education engaged in
2 the supervision of students during meal periods in the
3 distribution, collection, and counting of meal
4 tickets, and in the cleaning of classrooms after
5 school hours on a less than half-time basis;
- 6 (21) Employees hired under the tenant hire program of the
7 Hawaii public housing authority; provided that except
8 during the time period specified in paragraph (27),
9 not more than twenty-six per cent of the authority's
10 workforce in any housing project maintained or
11 operated by the authority shall be hired under the
12 tenant hire program;
- 13 (22) Positions of the federally funded expanded food and
14 nutrition program of the University of Hawaii that
15 require the hiring of nutrition program assistants who
16 live in the areas they serve;
- 17 (23) Positions filled by persons with severe disabilities
18 who are certified by the state vocational
19 rehabilitation office that they are able to perform
20 safely the duties of the positions;
- 21 (24) The sheriff;



1 (25) A gender and other fairness coordinator hired by the
2 judiciary;

3 (26) Positions in the Hawaii National Guard youth and adult
4 education programs; and

5 (27) From July 1, 2012, to June 30, 2015, persons hired or
6 contracted to perform repair, maintenance, or capital
7 improvement projects work on vacant housing units
8 under the jurisdiction of the Hawaii public housing
9 authority.

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

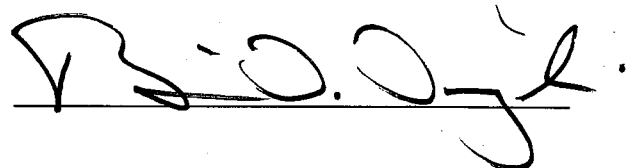
12 Nothing in this section shall be deemed to affect the civil
13 service status of any incumbent as it existed on July 1, 1955."

14 SECTION 5. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 6. This Act shall take effect upon its approval;
17 provided that the amendments made to section 76-16(b), Hawaii
18 Revised Statutes, by this Act shall not be repealed when section
19 76-16(b), Hawaii Revised Statutes, is reenacted on July 1, 2015,
20 pursuant to section 5 of Act 159, Session Laws of Hawaii 2012.

21

INTRODUCED BY:





S.B. NO. 3061

Report Title:

Civil Service

Description:

Amends sections of the Hawaii Revised Statutes to conform with restrictions placed on the creation of civil service exempt positions and annual review requirements.

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

