
A BILL FOR AN ACT

RELATING TO HAWAII CORRECTIONAL INDUSTRIES.

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

1 SECTION 1. Chapter 354D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§354D- Notwithstanding any other provision in this
5 chapter, no inmate services shall directly or indirectly result
6 in layoffs, reduction in force, job elimination, displacement,
7 replacement, furloughs, contracting out of, or result in the
8 failure to fund exempt civil service positions under section
9 76-16, any other provision of law, or bargaining unit positions
10 covered by chapter 89."

11 SECTION 2. Section 76-16, Hawaii Revised Statutes, is
12 amended by amending subsection (b) to read as follows:

13 "(b) The civil service to which this chapter applies shall
14 comprise all positions in the State now existing or hereafter
15 established and embrace all personal services performed for the
16 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;



- 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



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



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

8 (11) (A) Teachers, principals, vice-principals, complex
9 area superintendents, deputy and assistant
10 superintendents, other certificated personnel,
11 not more than twenty noncertificated
12 administrative, professional, and technical
13 personnel not engaged in instructional work;
14 (B) Effective July 1, 2003, teaching assistants,
15 educational assistants, bilingual/bicultural
16 school-home assistants, school psychologists,
17 psychological examiners, speech pathologists,
18 athletic health care trainers, alternative school
19 work study assistants, alternative school
20 educational/supportive services specialists,
21 alternative school project coordinators, and



1 communications aides in the department of
2 education;

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

6 (D) Members of the faculty of the University of
7 Hawaii, including research workers, extension
8 agents, personnel engaged in instructional work,
9 and administrative, professional, and technical
10 personnel of the university;

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

13 (13) (A) Positions filled by inmates, patients of state
14 institutions, persons with severe physical or
15 mental disabilities participating in the work
16 experience training programs; provided that no
17 position under this subparagraph shall result
18 directly or indirectly in layoffs, reduction in
19 force, job elimination, displacement,
20 replacement, furloughs, contracting out of, or
21 result in the failure to fund exempt positions;



(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 programs such as the federal Workforce Investment Act of 1998, as amended, or the Senior Community Service Employment Program of the Employment and Training Administration of the United States Department of Labor, or under other similar state programs;

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

(15) Positions filled by persons employed on a fee, contract, or piecework basis, who may lawfully perform their duties concurrently with their private business or profession or other private employment and whose 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 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; four additional deputies in the department
12 of health, each in charge of one of the following:
13 behavioral health, environmental health, hospitals,
14 and health resources administration, including other
15 functions within the department as may be assigned by
16 the director of health, with the approval of the
17 governor; an administrative assistant to the state
18 librarian; and an administrative assistant to the
19 superintendent of education;

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



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

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

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

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

(20) Employees in the department of education engaged in the supervision of students during meal periods in the distribution, collection, and counting of meal tickets, and in the cleaning of classrooms after school hours on a less than half-time basis;

(21) Employees hired under the tenant hire program of the Hawaii public housing authority; provided that except during the time period specified in paragraph (27),



1 not more than twenty-six per cent of the authority's
2 workforce in any housing project maintained or
3 operated by the authority shall be hired under the
4 tenant hire program;

5 (22) Positions of the federally funded expanded food and
6 nutrition program of the University of Hawaii that
7 require the hiring of nutrition program assistants who
8 live in the areas they serve;

9 (23) Positions filled by persons with severe disabilities
10 who are certified by the state vocational
11 rehabilitation office that they are able to perform
12 safely the duties of the positions;

13 (24) The sheriff;

14 (25) A gender and other fairness coordinator hired by the
15 judiciary;

16 (26) Positions in the Hawaii National Guard youth and adult
17 education programs; and

18 (27) From July 1, 2012, to June 30, 2015, persons hired or
19 contracted to perform repair, maintenance, or capital
20 improvement projects work on vacant housing units



under the jurisdiction of the Hawaii public housing authority.

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

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

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect on June 30, 2015; provided that the amendments made to section 76-16(b), Hawaii Revised Statutes, in section 2 of this Act shall not be repealed when section 76-16(b), Hawaii Revised Statutes, is repealed and reenacted on July 1, 2015, pursuant to Act 159, Session Laws of Hawaii 2012.

INTRODUCED BY:

Hyakushima

JAN 29 2015



H.B. NO. 1428

Report Title:

Hawaii Correctional Industries; Inmate Services; Exempt Civil Service

Description:

Specifies that inmate services shall not directly or indirectly result in layoffs, reduction in force, job elimination, displacement, replacement, furloughs, contracting out of, or result in the failure to fund exempt civil service positions under section 76-16, HRS, any other provision of law, or bargaining unit positions covered by chapter 89, HRS.

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