

JAN 28 2015

A BILL FOR AN ACT

RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY.

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

1 SECTION 1. Section 76-16, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

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

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

13 (2) Positions filled by persons employed by contract where
14 the director of human resources development has
15 certified that the service is special or unique or is
16 essential to the public interest and that, because of
17 circumstances surrounding its fulfillment, personnel
18 to perform the service cannot be obtained through

- 1 normal civil service recruitment procedures. Any such
2 contract may be for any period not exceeding one year;
- 3 (3) Positions that must be filled without delay to comply
4 with a court order or decree if the director
5 determines that recruitment through normal recruitment
6 civil service procedures would result in delay or
7 noncompliance, such as the Felix-Cayetano consent
8 decree;
- 9 (4) Positions filled by the legislature or by either house
10 or any committee thereof;
- 11 (5) Employees in the office of the governor and office of
12 the lieutenant governor, and household employees at
13 Washington Place;
- 14 (6) Positions filled by popular vote;
- 15 (7) Department heads, officers, and members of any board,
16 commission, or other state agency whose appointments
17 are made by the governor or are required by law to be
18 confirmed by the senate;
- 19 (8) Judges, referees, receivers, masters, jurors, notaries
20 public, land court examiners, court commissioners, and
21 attorneys appointed by a state court for a special
22 temporary service;

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(9) One bailiff for the chief justice of the supreme court who shall have the powers and duties of a court officer and bailiff under section 606-14; one secretary or clerk for each justice of the supreme court, each judge of the intermediate appellate court, and each judge of the circuit court; one secretary for the judicial council; one deputy administrative director of the courts; three law clerks for the chief justice of the supreme court, two law clerks for each associate justice of the supreme court and each judge of the intermediate appellate court, one law clerk for each judge of the circuit court, two additional law clerks for the civil administrative judge of the circuit court of the first circuit, two additional law clerks for the criminal administrative judge of the circuit court of the first circuit, one additional law clerk for the senior judge of the family court of the first circuit, two additional law clerks for the civil motions judge of the circuit court of the first circuit, two additional law clerks for the criminal motions judge of the circuit court of the first circuit, and two law clerks for the administrative

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1 judge of the district court of the first circuit; and
2 one private secretary for the administrative director
3 of the courts, the deputy administrative director of
4 the courts, each department head, each deputy or first
5 assistant, and each additional deputy, or assistant
6 deputy, or assistant defined in paragraph (16);

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

14 (11) (A) Teachers, principals, vice-principals, complex
15 area superintendents, deputy and assistant
16 superintendents, other certificated personnel,
17 not more than twenty noncertificated
18 administrative, professional, and technical
19 personnel not engaged in instructional work;

20 (B) Effective July 1, 2003, teaching assistants,
21 educational assistants, bilingual/bicultural
22 school-home assistants, school psychologists,

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

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

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

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

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

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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
21 impracticable to ascertain or anticipate the portion
22 of time to be devoted to the service of the State;

- 1 (16) Positions of first deputies or first assistants of
2 each department head appointed under or in the manner
3 provided in section 6, article V, of the state
4 constitution; three additional deputies or assistants
5 either in charge of the highways, harbors, and
6 airports divisions or other functions within the
7 department of transportation as may be assigned by the
8 director of transportation, with the approval of the
9 governor; four additional deputies in the department
10 of health, each in charge of one of the
11 following: behavioral health, environmental health,
12 hospitals, and health resources administration,
13 including other functions within the department as may
14 be assigned by the director of health, with the
15 approval of the governor; an administrative assistant
16 to the state librarian; and an administrative
17 assistant to the superintendent of education;
- 18 (17) Positions specifically exempted from this part by any
19 other law; provided that:
- 20 (A) Any exemption created after July 1, 2014, shall
21 expire three years after its enactment unless

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1 affirmatively extended by an act of the
2 legislature; and

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

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

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

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

17 (21) Employees hired under the tenant hire program of the
18 Hawaii public housing authority; provided that except
19 during the time period specified in paragraph (27),
20 not more than twenty-six per cent of the authority's
21 workforce in any housing project maintained or

operated by the authority shall be hired under the
tenant hire program;

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

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

(24) The sheriff;

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

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

(27) From July 1, 2012, to June 30, ~~[2015]~~ 2018, persons
hired or contracted to perform repair, maintenance, or
capital 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.

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

3 SECTION 2. Act 159, Session Laws of Hawaii 2012, is
4 amended by repealing section 3.

5 [~~"SECTION 3. (a) Upon the repeal of section 2 of this~~
6 ~~Act, an employee hired by the State pursuant to this Act may be:~~

7 ~~(1) Terminated; or~~

8 ~~(2) Retained by the respective public employer; provided~~

9 ~~that the employee shall be subject to all civil~~

10 ~~service employment requirements for the position for~~

11 ~~which the employee seeks to be retained or transferred~~

12 ~~and shall not receive any civil service experience~~

13 ~~credit for work performed while employed pursuant to~~

14 ~~this Act.~~

15 ~~(b) The director of the public agency employing an~~
16 ~~employee subject to subsection (a) shall determine whether to~~
17 ~~terminate or retain an employee subject to this Act; provided~~
18 ~~that if the employee is to be retained, all costs associated~~
19 ~~with retaining the employee shall be covered by the public~~
20 ~~agency's existing budget."]~~

21 SECTION 3. Act 159, Session Laws of Hawaii 2012, is
22 amended by amending section 5 to read as follows:

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1 "SECTION 5. This Act shall take effect on July 1, 2012 [~~+~~
2 ~~provided that: section 2 of this Act shall be repealed on July~~
3 ~~1, 2015, and section 76-16(b), Hawaii Revised Statutes, shall be~~
4 ~~reenacted in the form in which it read on the day before the~~
5 ~~effective date of this Act]~~."

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act, upon its approval, shall take effect
9 on June 30, 2015.

10
11 INTRODUCED BY:



12 BY REQUEST

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Report Title:

Civil Service Exemption; Hawaii Public Housing Authority; Public Housing Renovations

Description:

Exempts from state civil service, persons hired or contracted to repair and maintain vacant state housing units. Effective June 30, 2015.

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

JUSTIFICATION SHEET

DEPARTMENT: Human Services

TITLE: A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY.

PURPOSE: To remove the sunset date of the temporary exemption from civil service of persons hired or contracted to perform repair or maintenance work on the HPHA's vacant public housing units.

MEANS: Amend section 76-16(b), Hawaii Revised Statutes, and amend section 5 and repeal section 3 of Act 159, Session Laws of Hawaii 2012.

JUSTIFICATION: Since the passage of Act 159 Session Laws of Hawaii 2012, the HPHA has been able to hire 26 exempt staff members that have completely renovated 122 vacant units and performed 217 repairs to make available a total of 339 vacant units to needy families, while raising the HPHA's statewide occupancy rate to 98 percent.

The 26 exempt staff members, termed the "Special Teams" unit, have provided kitchen and bath renovations, plumbing repairs, roof patching, asbestos removal, replaced windows, installed security doors, and repaired street lights. The efforts of the "Special Teams" unit have reduced vacant unit turnaround time from triple digit days to 7 days, of which some units were vacant since 2008.

The HPHA wishes to continue the civil service exempt hiring of "Special Teams" unit members for three additional years to perform repair, maintenance, or capital improvement projects work on vacant housing units to maintain the same rate of performance and unit turnaround to ensure the HPHA's delivery of low-income public

housing in a timely manner and at an efficient capacity.

Impact on the public: There should be a positive impact on the public to provide shorter vacant unit turnaround to quickly place needy families into low-income public housing.

Impact on the department and other agencies:
None.

GENERAL FUNDS: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HMS 220; HMS 229.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: June 30, 2015.