

JAN 25 2017

A BILL FOR AN ACT

RELATING TO CIVIL SERVICE.

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 non-elected chief executive officers or
13 heads of the executive branch of county government,
14 positions of heads of departments, and positions of
15 one first deputy or first assistant of heads of
16 departments;



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- 1 (3) Positions of deputy county attorneys, deputy
2 corporation counsel, deputy prosecuting attorneys, and
3 law clerks;
- 4 (4) Positions of members of any board, commission, or
5 agency;
- 6 (5) Positions filled by students; positions filled through
7 federally funded programs which provide temporary
8 public service employment such as the federal
9 Comprehensive Employment and Training Act of 1973; and
10 employees engaged in special research or demonstration
11 projects approved by the mayor, for which projects
12 federal funds are available;
- 13 (6) Positions of district judges, jurors, and witnesses;
- 14 (7) Positions filled by persons employed by contract where
15 the personnel director has certified that the service
16 is special or unique, is essential to the public
17 interest, and that because of the circumstances
18 surrounding its fulfillment, personnel to perform the
19 service cannot be recruited through normal civil
20 service procedures; provided that no contract pursuant



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1 to this paragraph shall be for any period exceeding
2 one year;

3 (8) Positions of a temporary nature needed in the public
4 interest where the need does not exceed ninety days;
5 provided that before any person may be employed to
6 render temporary service pursuant to this paragraph,
7 the director shall certify that the service is of a
8 temporary nature and that recruitment through normal
9 civil service recruitment procedures is not
10 practicable; and provided further that the employment
11 of any person pursuant to this paragraph may be
12 extended for good cause for an additional period not
13 to exceed ninety days upon similar certification by
14 the director;

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

17 (10) Positions specifically exempted from this part by any
18 other state statutes;

19 (11) Positions of one private secretary for each department
20 head; provided that the positions shall be included in
21 the classification systems;



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- 1 (12) Positions filled by persons employed on a fee,
2 contract, or piecework basis who may lawfully perform
3 their duties concurrently with their private business
4 or profession or other private employment, if any, and
5 whose duties require only a portion of their time,
6 where it is impracticable to ascertain or anticipate
7 the portion of time devoted to the service of the
8 county and that fact is certified by the director;
- 9 (13) Positions filled by persons with a severe disability
10 who are certified by the state vocational
11 rehabilitation office as able to safely perform the
12 duties of the positions;
- 13 (14) Positions of the housing and community development
14 office or department of each county; provided that
15 this exemption shall not preclude each county from
16 establishing these positions as civil service
17 positions;
- 18 (15) The following positions in the office of the
19 prosecuting attorney: private secretary to the
20 prosecuting attorney, secretary to the first deputy
21 prosecuting attorney, and administrative or executive



1 assistants to the prosecuting attorney; provided that
2 the positions shall be included in the classification
3 systems; and

4 (16) Positions or contracts for personal services with
5 private persons or entities for services lasting no
6 more than one year and at a cost of no more than
7 \$750,000; provided that the exemption under this
8 paragraph shall apply to contracts for building,
9 custodial, and grounds maintenance services with
10 qualified community rehabilitation programs, as
11 defined in section 103D-1001, lasting for no more than
12 a year and at a cost of no more than \$850,000.

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

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

20 SECTION 2. New statutory material is underscored.

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1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: Mark H.

By Request



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Report Title:

Civil Service; Exempt Positions

Description:

Exempts from civil service the positions of non-elected chief executive officers or heads of the executive branch of county government.

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

