### STATE OF HAWAI'I DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT 235 S. BERETANIA STREET HONOLULU, HAWAI'I 96813-2437

December 28, 2020

The Honorable Ronald D. Kouchi, President and Members of the Senate Thirtieth State Legislature State Capitol Room 409 Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki, Speaker and the Members of the House Thirtieth State Legislature State Capitol Room 431 Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki and Members of the Legislature:

For your information and consideration, I am transmitting herewith the 2020 Report of Positions Exempt from Civil Service (Act 300 SLH 2006).

In accordance with Section 93-16 Hawaii Revised Statutes, a copy of the report has been transmitted to the Legislative Reference Bureau Library, and the report may be viewed electronically at: <a href="http://dhrd.hawaii.gov/reports/legislative-reports/">http://dhrd.hawaii.gov/reports/legislative-reports/</a>.

Sincerely, Ryker J. Wada

Ryker Wada Director

**Attachment** 

### **REPORT TO THE 2021 LEGISLATURE**

#### ON POSITIONS EXEMPTED FROM THE CIVIL SERVICE

AS REQUIRED BY ACT 300, SESSION LAWS OF HAWAII 2006

Department of Human Resources Development December 2020

### Submitted by the Department of Human Resources Development December 11, 2020

#### SUMMARY OF REPORT

Act 300, Session Laws of Hawaii (SLH) 2006, directs the Department of Human Resources Development (DHRD) to submit reports on exempt positions to the Legislature prior to each regular session.

Inasmuch as the Act establishes an ongoing annual reporting requirement, and in order to provide the Legislature with the most current data available, the period covered by each report is from November 1 through October 31 of the applicable year. This report complies with the reporting requirements and provides a status report on the efforts to implement Act 300 for the period November 1, 2019 through October 31, 2020.

During the current reporting period, forty exempt positions were replaced with civil service positions, twenty-nine of those positions were exempt from civil service based on section 76-16(b)(12), Hawaii Revised Statutes (HRS), and eleven of the positions were exempt based on section 76-16(b)(17), HRS.

#### **BACKGROUND**

Act 300, SLH 2006 was enacted to "comply with Act 253, SLH 2000." The Act amended a number of statutory provisions that required positions to be exempt from civil service to allow discretion as to whether the positions should be civil service or exempt from civil service, and also directed DHRD and the Hawaii Government Employees Association (HGEA) "to work collaboratively to establish a logical, workable and fair process for converting positions in various departments, which are currently exempt from chapter 76, Hawaii Revised Statutes, to civil service positions." The Act also granted rights to exempt employees who occupied the affected exempt positions for at least one year and requires DHRD to submit a report on the conversions of exempt positions to the Legislature prior to each regular session.

DHRD and the HGEA subsequently entered into a Letter of Understanding (LOU) dated March 17, 2011 regarding the identification of positions for conversion. The LOU, whose effective date ended December 31, 2013, sought to significantly increase the number of exempt positions identified for conversion to civil service in all departments of the Executive Branch, and required DHRD to identify exempt positions that may be converted to civil service. DHRD directed significant resources to the LOU to conduct a comprehensive review of positions in all departments that are exempt from civil service based on sections 76-16(b)(12) and (17), HRS.

To further facilitate an increase in the number of exempt positions replaced with civil service positions, DHRD revised Policy No. 1000.002, Appointment of Exempt Employees to Replacement Civil Service Positions, effective November 30, 2011. The policy extends the Act 300, SLH 2006 process to all appropriate conversions.

### ANNUAL REPORT ON THE NUMBER OF EXEMPT POSITIONS REPLACED WITH CIVIL SERVICE POSITIONS AND THE NUMBER OF EXEMPT POSITIONS REMAINING

Act 300 requires DHRD to submit an annual report to the legislature that includes the following information:

- 1. The number of exempt positions that were converted to civil service during the previous twelve months; and
- 2. The number of exempt positions remaining in each State department after the conversions.

For the exempt positions that were converted to civil service, the report must also indicate:

- 1. When the position was established;
- 2. The purpose of the position; and
- 3. The rationale for the conversion.

Forty exempt positions were replaced with civil service positions within the period November 1, 2019 to October 31, 2020. Twenty-nine of those positions were exempted under the provisions of the section 76-16(b)(12), HRS, and eleven positions were exempted under section 76-16(b)(17), HRS.

As of November 1, 2020, 2,573 exempt positions remain. Aloha Stadium event positions (1009), Student Helper and Student Intern positions (774), and Work Experience positions (2,191) are not included in the number of exempt positions remaining since such positions are not appropriate for conversion to civil service.

- Attachment 1 lists, by department, the exempt positions that were replaced with civil service positions within the reporting period.
- Attachment 2 provides a summary of the number of exempt positions that were replaced with civil service positions in each department.
- Attachment 3 provides the number of exempt positions remaining within each department, as of November 1, 2020, broken down by the statutory basis for exemption.

• Attachment 4 reflects, by department, exempt positions that were identified for conversion to civil service where the incumbents elected to remain exempt pursuant to the applicable Policy No. 1000.002. These positions will be converted to civil service when the incumbents vacate the positions. There were no positions in this category within the period of November 1, 2019 to October 31, 2020.

DATED: Honolulu, Hawaii, December 11, 2020

Respectfully submitted,

Ryker J. Wada

RYKER WADA, Director Department of Human Resources Development

Attachments

Department of								Subsection 17	Subsection	
	Exempt	Changed Pos			Estab	Date of				Type of
Division	Position No	No	CS Title	Purpose of Position  The primary purpose of this position	Date	Conversion	Subsection	Legal Authority	Project Title	Project
QltyAssurDiv		Office Assistant III	is to review, determine and process applications for reimbursement under the agricultural food safety certification costs grant program. The position is responsible for gathering and verifying data provided by farmers and ranchers to determine qualified grant amounts to be disbursed, as well as issue payments to farmers. In addition, this position is tasked with providing general clerical support.	01/15/2019	11/16/2019	12		Agricultural Food Safety Program	Special	
Ofc-Chairpsn	00122967	00122967	General Professional V	This position will serve as the State's one of two primary liaisons between Hawaii's agricultural industry, State of Hawaii Department of Education (DOE), State Department of Public Safety (PSD), State of Hawaii Department of Health (DOH), State of Hawaii Procurement Office (SPO), community-based organizations, U.S. Department of Agriculture (USDA), University of Hawaii (UH) College of Tropical Agriculture and Human Resources (CTAHR), and other stakeholders interested in increasing utilization of locally produced commodities in Hawaii educational and institutional markets.	03/15/2019	02/04/2020	12		Hawaii Farm to State Program	Special

Department of	Agriculture			Subsection 17	Subsection	on 12				
Division	Exempt Position No	Changed Pos No	CS Title	Purpose of Position	Estab Date	Date of Conversion	Subsection	Legal Authority	Project Title	Type of Project
Ofc-Chairpsn	00120398	00120398	Planner IV	The primary purpose of this position is to conduct studies of public planning projects through fact-finding, research and analyses; preparing reports of findings and other conclusions and planning recommendations.  The position also acts as the department's Civil Rights Specialist and is responsible for intaking, coordinating, and responding to Civil Rights related complaints from third parties. Responses shall be completed through coordinated efforts of the appropriate HDOA division/s involved with the specific complaint.	09/29/2011	01/15/2020	12		Agricultural Water Resources Assessment Project	Special

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Department of E	Budget and Fi	inance						Subsection 17	Subsectio	n 12
	Exempt	Changed Pos			Estab	Date of				Type of
Division	Position No	No	CS Title	Purpose of Position	Date	Conversion	Subsection	Legal Authority	Project Title	Project
HEUHIthBenTF	00116355	00116355	Office Assistant IV	The primary purposes of this position	05/06/2003	02/01/2020	17	ACT 106,		
				are to (1) provide customer service to				SLH2012; 87A-		
				beneficiaries, carriers and public				24(4)HRS		
				employers for inquiries related to						
				benefits, member eligibility and other						
				related questions; and (2) perform						
				clerical service to support EUTF						
				enrollment and health benefits						
				activities.						
LICLII IIII Dan TC	00120193	00120193	Drogram Chariolist IV	The primary functions of the position	10/22/2010	08/16/2020	17	HRS 87-A-24 A		
HEUHlthBenTF	00120193	00120193	Program Specialist IV	The primary functions of the position are to: (1) perform the full range of	10/22/2010	08/16/2020	17	HRS 87-A-24 A		
				activities related to the receipt, review						
				and disposition of the members'						
				Administrative and Board Eligibility						
				Appeals; (2) serve as the subject						
				matter expert and coordinator in						
				health benefits related to the						
				Consolidated Omnibus Budget						
				Reconciliation Act (COBRA); (3)						
				maintain and update the EUTF						
				Administrative Rules in its entirety						
				and Hawaii Revised Statutes (HRS)						
				in regards to eligibility matters, and						
				serve as the legislative coordinator;						
				and (4) serve as the subject matter						
				expert for the Premium Conversion						
				Plan (PCP).						

Department of	Hawaiian Hor	me Lands						Subsection 17	Subsection	on 12
<b>Division</b> HmstdSvcsDiv	Exempt Position No 00100205	Changed Pos No 00100205	CS Title Office Assistant IV	Purpose of Position  The primary purpose of this position is to provide a variety of complex clerical services and office support to	Estab Date 04/02/1985	Date of Conversion 12/13/2019	Subsection 17	Legal Authority Section 202(b), HHCA 1920	Project Title	Type of Project
LandMgtDiv	00101260	00101260	Legal Assistant II	staff of the HSD.  The primary purpose of this position is to provide a full range of paralegal services for the Department of Hawaiian Home Lands, including but not limited to, paralegal services for (1) Homestead Services Division, District Operations Branch, (2) Land Management Division and (3) other DHHL divisions and offices, as necessary.	07/02/1981	01/07/2020	17	Section 202(b), HHCA 1920		
HmstdSvcsDiv	00106408	00106408	Equipment Operator III	This position is located in the West Hawaii District Office of the Homestead Services Division of the Department of Hawaiian Home Lands. The incumbent of this position operates the dump truck, backhoe/loader and other equipment to haul material and debris; and in the maintenance of road construction of DHHL lands and properties.	12/31/1992	02/27/2020	17	Section 202(b), HHCA 1920		

Department of	Hawaiian Hor	ne Lands						Subsection 17	Subsection	n 12
	Exempt	Changed Pos			Estab	Date of				Type of
Division	Position No	No	CS Title	Purpose of Position	Date	Conversion	Subsection	Legal Authority	Project Title	Project
PlanningOfc	00102939	00102939	Program Specialist V	The primary purpose of this position is to implement and update the HHC Water Policy Plan that will coordinate, support, negotiate, document, and provide alternative courses of action in the assertion and protection of water rights, the management and operation of water systems, and plan the development of water infrastructure and obtain related entitlements, permits, agreements, and approvals to water for homesteading and use of licensed and leased Hawaiian home lands are maximized.	02/18/1993	01/24/2020	17	Section 202(b), HHCA 1920	<del>I</del> HCA	
PlanningOfc	00111868	00111868	Program Specialist V	The primary purpose of this position is to implement and update the HHC Water Policy Plan that will coordinate, support, negotiate, document, and provide alternative courses of action in the assertion and protection of water rights, the management and operation of water systems, and plan the development of water infrastructure and obtain related entitlements, permits, agreements, and approvals to water for homesteading and use of licensed and leased Hawaiian home lands are maximized.	03/17/2001	01/24/2020	17	Section 202(b), HHCA 1920		

Department of	Hawaiian Hor	me Lands						Subsection 17	Subsection	n 12
Division	Exempt Position No	Changed Pos No	CS Title	Purpose of Position	Estab Date	Date of Conversion	Subsection	Legal Authority	Project Title	Type of Project
PlanningOfc	00120447	00120447	Planner V	HHLPlanner V conducts research & planning studies in comprehensive land use, water & cultural/natural resources planning; prepares plans for the appropriate use, preservation & development of Hwn home lands; provides support to advisory councils & other mechanisms to solicit beneficiary & public input; professional planning work.	07/01/2011	01/24/2020	17	Section 202(B), HHCA 1920 amended	·	
LandMgtDiv	00106421	00106421	Land Agent IV	Assigned to the Oahu-Kauai-Maui Section and performs a full range of professionalland management work involving acquisition, disposition, maintenance, enforcement, water resources, community centers and management of income-generating and other lands and properties, as well as other DHHL lands, inaccordance with applicable provisions of the Hawaiian Homes Commission Act, 1920, as amended, DHHL Administrative Rules, and HRS Chapter 171.	11/18/1994	08/01/2020	17	Section 202(b), HHCA 1920		
HmstdSvcsDiv	00102952	00102952	Program Specialist III	The primary purpose of this position is to perform specialized work in reviewing documents provided by applicants and beneficiaries to determine if they meet age and blood quantum requirements for difficult NHQ (native Hawaiian qualification) cases.	10/12/1995	09/01/2020	17	Section 202(b), HHCA 1920		

Department of I	Hawaiian Hor	ne Lands						Subsection 17	Subsectio	n 12
	Exempt	Changed Pos			Estab	Date of				Type of
Division	Position No	No	CS Title	Purpose of Position	Date	Conversion	Subsection	Legal Authority	Project Title	Project
HmstdSvcsDiv	00101610	00101610	Staff Services Asst I	The primary purpose of this position	08/08/1983	08/01/2020	17	Section 202(b), HHCA		
				is to perform vital functions				1920	1	
				necessary to maintain maximum					ļ I	
				operational office efficiency for the					ļ I	
				division by maintaining fiscal and					ļ I	
				budget records/logs, expenditure					ļ I	
				plans, personnel files and related					1	
				documentation,and advising					ļ I	
				administrative housekeeping					ļ I	
				activities and procedures of the					1	
				division.					ļ	
									1	

Department of	Health							Subsection 17	Subsection	on 12
	Exempt	Changed Pos			Estab	Date of				Type of
Division	Position No		CS Title	Purpose of Position	Date	Conversion	Subsection	Legal Authority	Project Title	Project
BhavrlHlthAd	00116373	00123079	Physician	To serve as a physician in the MSU (Medical Services Unit) providing high quality and evidence-based medical care to HSH patients and staff.	05/13/2003	01/07/2020	12		Behavioral Health Initiative	Special
BhavrlHlthAd	00110474	00123212	Program Specialist IV	Manage, encourage and facilitate communications with CAMHD contracted agencies	12/16/1999	02/14/2020	12		Behavioral Health Initiative	Special
BhavrlHlthAd	00110465	00123213	Program Specialist IV	Oversees the communications plan and branding for CAMHD	12/13/1999	02/14/2020	12		Behavioral Health Initiative	Special
BhavrlHlthAd			, , , , ,	To be the lead clinical psychologist for the Division and provide clinical and programmatic leadership to CAMHD clinical staff in three CAMHD branches.	06/20/2000	01/30/2020	12		Behavioral Health Initiative	Special
BhavrlHlthAd	00118121	00123146	Substance Abuse Specialist IV	Develop and provide direct services to complex, challenging patients with substance abuse diseases	11/09/2006	11/14/2019	12		Behavioral Health Initiative	Special
BhavrlHlthAd	00118294	00123147	Substance Abuse Specialist IV	Develop and provide direct services to complex, challenging patients with substance abuse diseases	11/28/2006	11/14/2019	12		Behavioral Health Initiative	Special
BhavrlHlthAd	00118125	00123149	Substance Abuse Specialist V	Manage operations of the HSH MISA services program	11/09/2006	11/14/2019	12		Behavioral Health Initiative	Special
BhavrlHlthAd	00116374	00123126	Physician	To serve as Chief of the MSU (Medical Services Unit) - responsible for planning, organizing, implementing, and monitoring the services provided by the Unit. Also provides direct care to HSH patients.	05/13/2003	01/07/2020	12		Behavioral Health Initiative	Special

Department of	Health							Subsection 17	Subsection	on 12
	Exempt	Changed Pos			Estab	Date of				Type of
Division	Position No	No	CS Title	Purpose of Position	Date	Conversion	Subsection	Legal Authority	Project Title	Project
BhavrlHlthAd	00111867	00123151	Clinical Psychologist Sup	To administer the HSH'S clinical psychology program which includes integrating psychology with other services, maintaining the program's policies and procedures, and directing quality assurance activities for clinical psychology.	03/28/2001	12/31/2019	12		Behavioral Health Initiative	Special
BhavrlHlthAd	00118123	00123148	Substance Abuse Specialist IV	Develop and provide direct services to complex, challenging patients with substance abuse diseases	11/09/2006	02/06/2020	12		Behavioral Health Initiative	Special
BhavrlHlthAd	00112801	00123279	Clinical Psychologist	Leads and manages the PICO which is reponsible for conducting comprehensive evaluation of the CAMHD system processes and resultes	04/25/2002	06/25/2020	12		Behavioral Health Initiative	Special
DepDirOfHlth	00116352	00120784	Program Specialist VI	Coordinates departmental policy and activities pertaining to HIPAA compliance.	06/12/2003	03/10/2020	12		Behavioral Health Initiative	Special
BhavrlHlthAd	00118124	00123194	Substance Abuse Specialist IV	Develop and provide direct services to complex, challenging patients with substance abuse diseases	11/09/2006	04/20/2020	12		Behavioral Health Initiative	Special
BhavrlHlthAd	00120130	00123291	Program Specialist IV	The primary purpose of the position is to support the business process improvement efforts of the BPEDS (Business Process and Efficiency Development Services). The position analyzes and evaluates business processes, implements process improvement initiatives	09/13/2010	06/16/2020	12		Behavioral Health Initiative	Special
BhavrlHlthAd	00110355	00123303	Information Technology Band A	Provides information Oracle database support	10/28/1999	08/17/2020	12		Behavioral Health Initiative	Special
BhavrlHlthAd	00108764	00123302	Information Technology Band B	Provide consultation in the use and benefit of information technology for a given application or functional area.	09/30/1998	08/17/2020	12		Behavioral Health Initiative	Special

Department of	Health							Subsection 17	Subsection	n 12
	Exempt	Changed Pos			Estab	Date of				Type of
Division	Position No	No	CS Title	Purpose of Position	Date	Conversion	Subsection	Legal Authority	Project Title	Project
BhavrlHlthAd	00112230	00123290	Program Specialist V	Responsible for the overall administration and operation of BPEDS (Business Process and Efficiency Development Services) program. The primary function of the position is to plan, direct, monitor, evaluate, administer and supervise operations of BPEDS.	06/29/2001	06/16/2020	12		Behavioral Health Initiative	Special
BhavrlHlthAd	00111680	00123331	Information Technology Band B	To supervise and troubleshoot the design, development, and implementation of all CAMHD oracle and non-oracle based application systems.	01/11/2001	08/17/2020	12		Behavioral Health Initiative	Special
BhavrlHlthAd	00111386	00123299	Office Assistant III	Provide clerical and administrative support to the CSO including the Chief Psychologist, Practice Development Office and the CAMHD Performance Manager	08/31/2000	07/16/2020	12		Behavioral Health Initiative	Special
BhavrlHlthAd	00110162	00123242	Program Specialist IV	To develop, review, and monitor family guidance centers and contracted providers credentialing and recredentialing of their providers of service.	08/06/1999	06/30/2020	12		Behavioral Health Initiative	Special
BhavrlHlthAd	00111679	00123301	Information Technology Band B	To design, develop, and implement all CAMHD Oracle and non-oracle based application systems.	01/11/2001	08/17/2020	12		Behavioral Health Initiative	Special
BhavrlHlthAd	00116937	00122629	Program Specialist IV	To develop and/or articulate standards of operational and clinical practice, implementation, training and technical assistance of the CAMHD staff, providers and community stakeholders.	06/23/2004	10/7/2020	12		Behavioral Health Initiative	Special

Department of	Health							Subsection 17	Subsection	on 12
	Exempt	Changed Pos			Estab	Date of				Type of
Division	Position No	No	CS Title	Purpose of Position	Date	Conversion	Subsection	Legal Authority	Project Title	Project
BhavrlHithAd	00110950	00123280	Clinical Psychologist	To provide clinical and programmatic leadership to Child & Adolescent Mental Health Division (CAMHD) across the State. Responsible for interagency collaborations, professional development to community providers, a division wide training plant for CAMHD staff	06/20/2000	06/25/2020	12		Behavioral Health Initiative	Special
BhavrlHlthAd	00111092	00122623	Program Specialist IV	To ensure billing revenue collection for services and timely processing of claims, including to review and resolve issues with CAMHD staff and contracted providers' billing and claims	08/14/2000	10/07/2020	12		Behavioral Health Initiative	Special
BhavrlHlthAd	00110473	00123295	Office Assistant III	To provide clerical and administrative support to the CSO including Chief Psychologist, Practice Development Office and CAMHD Perormance Manager	12/16/1999	07/09/2020	12		Behavioral Health Initiative	Special
BhavrlHlthAd	00118313	00123150	Social Worker VI	Administers the hospital's psychiatric social work program.	11/30/2006	03/25/2020	12		Behavioral Health Initiative	Special

#### Summary of Converted Positions [Exempt to Civil Service] November 1, 2019 - October 31, 2020

	AGR	AGS	ATG	BED	BUF	CCA	DEF	GOV	HHL	HMS	HRD	HTH	LBR	LIB	LNR	LTG	PSD	TAX	TRN	UOH	TOTALS
Positions - Subsection 12 <sup>1</sup>	5	2	3	11			88			37		151	3				8	7	18		333
Replaced with Civil Service <sup>2</sup>	3											26									29
Remain Exempt <sup>3</sup>	2	2	3	11	0	0	88	0	0	37	0	125	3	0	0	0	8	7	18	0	304
Positions - Subsection 17 <sup>1</sup>	26	183	14	142	161	229	8	1	101	62	1	122	53	2	96	1	79	30	9		1320
Replaced with Civil Service <sup>2</sup>					2				9												11
Remain Exempt <sup>3</sup>	26	183	14	142	159	229	8	1	92	62	1	122	53	2	96	1	79	30	9	0	1309
Total Converted Position	3	0	0	0	2	0	0	0	9	0	0	26	0	0	0	0	0	0	0	0	40

#### Notes:

Effective 7/1/2005, DOE (except LIB (public libraries) is not included in the report pursuant to Act 51, 2004. Aloha Stadium event positions are not included in count for AGS subsection 17.

#### Footnotes:

<sup>&</sup>lt;sup>1</sup>Number of positions from Report to the 2020 Legislature, Attachment 3.

<sup>&</sup>lt;sup>2</sup>Number of positions converted between November 1, 2019 - October 31, 2020.

<sup>&</sup>lt;sup>3</sup>Number of postiions that remain exempt. Number does not include abolished or new positions.

#### Summary of Exempt Positions by HR 76-16(b) Subsections and Department

Subsection	AGR	AGS	ATG	BED	BUF	CCA	DEF	GOV	HHL	HMS	HRD	HTH	LBR	LIB	LNR	LTG	PSD	TAX	TRN	UOH	Total
1							13														13
3						3						4							1		8
5		3						77								12					92
6								1								1					2
7	1	3	1	1	1	2	1		1	1	1	3	7		1		6	1	5		36
9	2	2	2	2	2	2	2		2	2	2	5	2		3		4	2	5	17	
10			236																		236
11														2							2
12	2	2	11	11			115			37		141	3				16	2	20		360
14															1						1
15												5							15	184	204
16	1	1		1	1	1	1		1	1	1	4	1	1	1			1	4		21
17	27	132	14	145	159	230	8	1	91	63	1	121	53	2	96	1	79	35	9		1267
18										57											57
19																				1	1
21										40											40
22																				25	
23			1																4	1	6
24																	1				1
26							106														106
27				24																	24
28										4											4
29										5											5
30										4											4
Total	33	143	265	184	163	238	246	79	95	214	5	283	66	5	102	14	106	41	63	228	2573

#### Notes:

HRMS data as of 11/1/2020

The following positions are not included in the counts:

1009 Aloha Stadium event positions

774 Student Helper & Student Intern positions

2191 Work Experience positions

#### Attachment 4

Exempt positions identified for Replacement with Civil Service Positions but Employees Elected to Remain Exempt November 1, 2019 - October 31, 2020

No positions remained exempt due to employee election