

DAVID Y. IGE
GOVERNOR



DEPT. COMM. NO. 256

RYKER WADA
DIRECTOR

ANDREW T. GARRETT
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

December 30, 2021

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 2021 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: <http://dhrd.hawaii.gov/reports/legislative-reports/>.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Garrett".

Andrew T. Garrett
Acting Director

Attachment

REPORT TO THE 2022 LEGISLATURE
ON POSITIONS EXEMPTED FROM THE CIVIL SERVICE
AS REQUIRED BY ACT 300,
SESSION LAWS OF HAWAII 2006

Department of Human Resources Development
December 2021

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, 2020 through October 31, 2021.

During the current reporting period, twelve exempt positions were replaced with civil service positions. Of the twelve, one position was exempt from civil service based on section 76-16(b)(3), Hawaii Revised Statutes (HRS), three positions were exempt from civil service based on section 76-16(b)(12), HRS, and eight 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.

Twelve exempt positions were replaced with civil service positions within the period November 1, 2020 to October 31, 2021. One of the positions was exempted under the provisions of section 76-16(b)(3), HRS, three positions were exempted under section 76-16(b)(12), HRS, and eight positions were exempted under section 76-16(b)(17), HRS.

As of November 1, 2021, 2,601 exempt positions remain. Aloha Stadium event positions (1009), Student Helper and Student Intern positions (771), 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, 2021, 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, 2020 to October 31, 2021.

DATED: Honolulu, Hawaii, December 30, 2021

Respectfully submitted,



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ANDREW T. GARRETT, Acting Director
Department of Human Resources Development

Attachments

CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2020 - OCTOBER 31, 2021

Department of Budget and Finance

								Subsection 17	Subsection 12		Subsection 3	
Div	Exempt Pos No	Changed Pos No	CS title	Purpose of Position	Establish Date	Date of Conversion	Subsection	Legal Authority	Proj Title	Type of Project	Name of Consent Decree	End Date of Consent Decree
HEUHLthBenTF	00122074	00122074	Program Specialist V	The primary purposes of this position are to: (1) Identify, correct and prevent instances of non-compliance with State and Federal laws, and rules and regulations; (2) Reduce costs and maximize non-employer subsidies; and (3) Plan, organize, coordinate, and implement claims audit programs to ensure that the claims processed by the various benefits providers are in compliance with the respective contract provisions.	9/13/2016	10/1/2021	17	Act 124, SLH 2016				
HEUHLthBenTF	00120317	00120317	Program Specialist V	This position serves as the benefit plans subject matter expert with the primary purposes to: (1) Design and implement benefits plans under both fully and self insured funding arrangements, including development of recommendations related to the funding arrangement; (2) Monitor and recommend solutions relating to financial and operational issues that arise throughout the plan year; (3) Develop, schedule and prepare materials for EUTF Board and Benefits Committee meetings; (4) Monitor, identify, and address Medicare rules and regulations that impact the retiree plans; and (5) Manage the technical aspects of the procurement of services for both fully and self insured health and life insurance benefit plans.	7/29/2011	9/1/2021	17	87A-24(4), HRS				
HEUHLthBenTF	00117599	00117599	Information Technology Band C	EUTF Systems Supervisor: This position serves as the head of the Systems Management Section and the primary duties are to: (1) Plan, organize, coordinate, and direct the Section's resources and activities; and (2) Serve as EUTF's technical expert in the areas of systems services, network, cyber security and disaster recovery.	10/1/2005	7/1/2021	17	87A-24(4), HRS; ACT178, SLH 2005				

CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2020 - OCTOBER 31, 2021

Department of Commerce and Consumer Affairs

								Subsection 17	Subsection 12		Subsection 3	
Div	Exempt Pos No	Changed Pos No	CS title	Purpose of Position	Establish Date	Date of Conversion	Subsection	Legal Authority	Proj Title	Type of Project	Name of Consent Decree	End Date of Consent Decree
FinanInst	00121529	00121529	Financial Inst Examiner III	The CRF Fin Institutions Examiner III conducts field and off-site (in office) examinations of limited scope and complexity, usually of smaller regulated entities and other smaller financial institutions to determine solvency, soundness of management and policies, actions of officers and directors, and compliance under the laws.	11/10/2014	6/18/2021	17	ACT 158, SLH 2008, 26-9(O)				

CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2020 - OCTOBER 31, 2021

Department of Hawaiian Home Lands

								Subsection 17	Subsection 12		Subsection 3	
Div	Exempt Pos No	Changed Pos No	CS title	Purpose of Position	Establish Date	Date of Conversion	Subsection	Legal Authority	Proj Title	Type of Project	Name of Consent Decree	End Date of Consent Decree
LandMgtDiv	00106416	00106416	General Professional VI	To plan, direct, organize, coordinate, and administer the activities of the income property branch.	8/6/1993	12/1/2020	17	Section 202(b), HHCA 1920				
HmstdSvcsDiv	00117479	00117479	Account Clerk III	Provide fiscal support services in the areas of recordkeeping, billing, inventory, and collection of payments.	6/27/2005	10/11/2021	17	Section 202(b), HHCA 1920				
LandMgtDiv	00106411	00106411	General Professional IV	The primary purpose of this position is to respond to and resolve complaints; coordinate enforcement activities with other appropriate agencies as required; monitor and ensure compliance with DHHL program rules, regulations and policies; prepare reports, memoranda, draft information submittal to the HHC on enforcement matters for action, coordinate with other state agencies on enforcement activities.	7/29/1993	9/20/2021	17	Section 202(b), HHCA 1920				
LandMgtDiv	00117165	00117165	General Professional IV	The primary purpose of this position is to respond to and resolve complaints; coordinate enforcement activities with other appropriate agencies as required; monitor and ensure compliance with DHHL program rules, regulations and policies.	10/20/2004	9/20/2021	17	Section 202(b), HHCA 1920, amended				

CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2020 - OCTOBER 31, 2021

Department of Health

								Subsection 17	Subsection 12		Subsection 3	
Div	Exempt Pos No	Changed Pos No	CS title	Purpose of Position	Establish Date	Date of Conversion	Subsection	Legal Authority	Proj Title	Type of Project	Name of Consent Decree	End Date of Consent Decree
BhavriHlthAd	00113297	00123332	Office Assistant III	To perform specialized clerical work in support of the HI Telehealth program which enables youth at the FGC (Family Guidance Center) to receive their psychiatric services from a off-island psychiatrist via Video-conferencing technology	2/14/2003	11/19/2020	12		Behavioral Health Initiative	Special		
BhavriHlthAd	00111571	00123526	Information Technology Band C	Directing and coordinating electronic data processing systems analysis, systems design, systems development, systems implementation and systems maintenance for all computer platforms	11/15/2000	12/8/2020	12		Behavioral Health Initiative	Special		
BhavriHlthAd	00111347	00123296	Program Specialist IV	To develop and oversee all training activities for the DOH/CAMHD	8/24/2000	12/8/2020	12		Behavioral Health Initiative	Special		

CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2020 - OCTOBER 31, 2021

Department of Transportation

								Subsection 17	Subsection 12		Subsection 3	
Div	Exempt Pos No	Changed Pos No	CS title	Purpose of Position	Establish Date	Date of Conversion	Subsection	Legal Authority	Proj Title	Type of Project	Name of Consent Decree	End Date of Consent Decree
Ofc of Dir	00121491	00121491	Environmental Compl Offcr	This position directs and manages the direction, coordination, resources and effective control of the departmental environmental compliance program. This includes monitoring, assessments, audits, investigations, and to ensure proper implementation of the three (3) divisions statewide, relating to environmental compliance and regulatory enforcement is properly conducted.	11/12/2014	10/1/2021	3C				Other	06/30/2020

**Summary of Converted Positions [Exempt to Civil Service]
November 1, 2020 - October 31, 2021**

	AGR	AGS	ATG	BED	BUF	CCA	DEF	GOV	HHL	HMS	HRD	HTH	LIB	LBR	LNR	LTG	PSD	TAX	TRN	UOH	TOTALS
Positions - Subsection 3 ¹						3						4							1		8
Replaced with Civil Service ²																			1		1
Remain Exempt ³	0	0	0	0	0	3	0	0	0	0	0	4	0	0	0	0	0	0	0	0	7
Positions - Subsection 12 ¹	2	2	11	11			115			37		141		3			16	2	20		360
Replaced with Civil Service ²												3									3
Remain Exempt ³	2	2	11	11	0	0	115	0	0	37	0	138	0	3	0	0	16	2	20	0	357
Positions - Subsection 17 ¹	27	132	14	145	159	230	8	1	91	63	1	121	2	53	96	1	79	35	9		1267
Replaced with Civil Service ²					3	1			4												8
Remain Exempt ³	27	132	14	145	156	229	8	1	87	63	1	121	2	53	96	1	79	35	9	0	1259
Total Converted Position	0	0	0	0	3	1	0	0	4	0	0	3	0	0	0	0	0	0	1	0	12

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:

¹Number of positions from Report to the 2021 Legislature, Attachment 3.

²Number of positions converted between November 1, 2020 - October 31, 2021.

³Number of positions that remain exempt. Number does not include abolished or new positions.

Attachment 3

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												4									4
4			3																		3
5		3						77								10					90
6								1								1					2
7	1	3	1	1	1	2	1		1	1	1	3	7		1		6	1	4		35
9	2	2	2	2	2	2	2		2	2	2	5	2		3		4	2	5	16	57
10			236																		236
11														2							2
12	1	1	10	14	14		115			33		194	11				16		20		429
14															1						1
15												4							15	201	220
16	1	1		1	1	1	1		1	1	1	4	1	1	1			1	4		21
17	22	110	14	141	152	233	14	1	87	63		111	48	2	94		79	33	9		1213
18										57											57
19																				1	1
21										40											40
22																			23		23
23			1																4	1	6
24																	1				1
26							105														105
27				24																	24
28										4											4
29										5											5
30										4											4
32							5														5
Total	27	120	267	183	170	238	256	79	91	210	4	325	69	5	100	11	106	37	61	242	2601

Notes:

HRMS data as of 11/1/2021

The following positions are not included in the counts:

1009 Aloha Stadium event positions

771 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, 2020 - October 31, 2021**

No positions remained exempt due to employee election.