
A BILL FOR AN ACT

RELATING TO EXEMPTIONS FROM CIVIL SERVICE FOR POSITIONS IN THE
DEPARTMENT OF HUMAN SERVICES.

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

1 SECTION 1. The purpose of this Act is to permanently
2 exempt from provisions of civil service the following positions
3 in the department of human services: information technology
4 implementation manager, assistant information technology
5 implementation manager, resource manager, community/project
6 development director, policy director, special assistant to the
7 director, limited English proficiency project
8 manager/coordinator, and business technology analyst.

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

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

15 (1) Commissioned and enlisted personnel of the Hawaii
16 National Guard as such, and positions in the Hawaii



1 National Guard that are required by state or federal
2 laws or regulations or orders of the National Guard to
3 be filled from those commissioned or enlisted
4 personnel;

5 (2) Positions filled by persons employed by contract where
6 the director of human resources development has
7 certified that the service is special or unique or is
8 essential to the public interest and that, because of
9 circumstances surrounding its fulfillment, personnel
10 to perform the service cannot be obtained through
11 normal civil service recruitment procedures. Any such
12 contract may be for any period not exceeding one year;

13 (3) Positions that must be filled without delay to comply
14 with a court order or decree if the director
15 determines that recruitment through normal recruitment
16 civil service procedures would result in delay or
17 noncompliance, such as the Felix-Cayetano consent
18 decree;

19 (4) Positions filled by the legislature or by either house
20 or any committee thereof;



- 1 (5) Employees in the office of the governor and office of
2 the lieutenant governor, and household employees at
3 Washington Place;
- 4 (6) Positions filled by popular vote;
- 5 (7) Department heads, officers, and members of any board,
6 commission, or other state agency whose appointments
7 are made by the governor or are required by law to be
8 confirmed by the senate;
- 9 (8) Judges, referees, receivers, masters, jurors, notaries
10 public, land court examiners, court commissioners, and
11 attorneys appointed by a state court for a special
12 temporary service;
- 13 (9) One bailiff for the chief justice of the supreme court
14 who shall have the powers and duties of a court
15 officer and bailiff under section 606-14; one
16 secretary or clerk for each justice of the supreme
17 court, each judge of the intermediate appellate court,
18 and each judge of the circuit court; one secretary for
19 the judicial council; one deputy administrative
20 director of the courts; three law clerks for the chief
21 justice of the supreme court, two law clerks for each



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

20 (10) First deputy and deputy attorneys general, the
21 administrative services manager of the department of



1 the attorney general, one secretary for the
2 administrative services manager, an administrator and
3 any support staff for the criminal and juvenile
4 justice resources coordination functions, and law
5 clerks;

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



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

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

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

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

15 (B) Positions filled with students in accordance with
16 guidelines for established state employment
17 programs; and

18 (C) Positions that provide work experience training
19 or temporary public service employment that are
20 filled by persons entering the workforce or
21 persons transitioning into other careers under



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

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

9 (15) Positions filled by persons employed on a fee,
10 contract, or piecework basis, who may lawfully perform
11 their duties concurrently with their private business
12 or profession or other private employment and whose
13 duties require only a portion of their time, if it is
14 impracticable to ascertain or anticipate the portion
15 of time to be devoted to the service of the State;

16 (16) Positions of first deputies or first assistants of
17 each department head appointed under or in the manner
18 provided in section 6, article V, of the Hawaii State
19 Constitution; three additional deputies or assistants
20 either in charge of the highways, harbors, and
21 airports divisions or other functions within the



1 department of transportation as may be assigned by the
2 director of transportation, with the approval of the
3 governor; four additional deputies in the department
4 of health, each in charge of one of the following:
5 behavioral health, environmental health, hospitals,
6 and health resources administration, including other
7 functions within the department as may be assigned by
8 the director of health, with the approval of the
9 governor; an administrative assistant to the state
10 librarian; and an administrative assistant to the
11 superintendent of education;

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

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

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



- 1 (18) Positions in the state foster grandparent program and
2 positions for temporary employment of senior citizens
3 in occupations in which there is a severe personnel
4 shortage or in special projects;
- 5 (19) Household employees at the official residence of the
6 president of the University of Hawaii;
- 7 (20) Employees in the department of education engaged in
8 the supervision of students during meal periods in the
9 distribution, collection, and counting of meal
10 tickets, and in the cleaning of classrooms after
11 school hours on a less than half-time basis;
- 12 (21) Employees hired under the tenant hire program of the
13 Hawaii public housing authority; provided that not
14 more than twenty-six per cent of the authority's
15 workforce in any housing project maintained or
16 operated by the authority shall be hired under the
17 tenant hire program;
- 18 (22) Positions of the federally funded expanded food and
19 nutrition program of the University of Hawaii that
20 require the hiring of nutrition program assistants who
21 live in the areas they serve;



- 1 (23) Positions filled by persons with severe disabilities
2 who are certified by the state vocational
3 rehabilitation office that they are able to perform
4 safely the duties of the positions;
- 5 (24) The sheriff;
- 6 (25) A gender and other fairness coordinator hired by the
7 judiciary;
- 8 (26) Positions in the Hawaii National Guard youth and adult
9 education programs;
- 10 (27) In the state energy office in the department of
11 business, economic development, and tourism, all
12 energy program managers, energy program specialists,
13 energy program assistants, and energy analysts;
- 14 (28) Administrative appeals hearing officers in the
15 department of human services;
- 16 (29) In the Med-QUEST division of the department of human
17 services, the division administrator, finance officer,
18 health care services branch administrator, medical
19 director, and clinical standards administrator;
- 20 (30) In the director's office of the department of human
21 services, the enterprise officer, information security



1 and privacy compliance officer, security and privacy
2 compliance engineer, [~~and~~] security and privacy
3 compliance analyst[+], information technology
4 implementation manager, assistant information
5 technology implementation manager, resource manager,
6 community/project development director, policy
7 director, special assistant to the director, and
8 limited English proficiency project
9 manager/coordinator;

10 (31) The Alzheimer's disease and related dementia services
11 coordinator in the executive office on aging;

12 (32) In the Hawaii emergency management agency, the
13 executive officer, public information officer, civil
14 defense administrative officer, branch chiefs, and
15 emergency operations center state warning point
16 personnel; provided that, for state warning point
17 personnel, the director shall determine that
18 recruitment through normal civil service recruitment
19 procedures would result in delay or noncompliance;
20 [~~and~~]



1 [+] (33) [+] The executive director and seven full-time
2 administrative positions of the school facilities
3 authority[-]; and
4 (34) In the social services division of the department of
5 human services, the business technology analyst.

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

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

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect on July 1, 2060.

13



H.B. NO. 2138 H.D. 1

Report Title:

Department of Human Services; Civil Service; Exemptions

Description:

Permanently exempts eight specified positions in the department of human services from civil service. Effective 7/1/2060.
(HD1)

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