

JAN 26 2022

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: the information technology
4 implementation manager, the assistant information technology
5 implementation manager, the resource manager, the
6 community/project development director, the policy director, the
7 special assistant to the director, the limited English
8 proficiency project manager/coordinator, and the business
9 technology analyst.

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

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

16 (1) Commissioned and enlisted personnel of the Hawaii
17 National Guard as such, and positions in the Hawaii
18 National Guard that are required by state or federal

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1 laws or regulations or orders of the National Guard to
2 be filled from those commissioned or enlisted
3 personnel;

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

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

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

20 (5) Employees in the office of the governor and office of
21 the lieutenant governor, and household employees at
22 Washington Place;

23 (6) Positions filled by popular vote;

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

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

14 (10) First deputy and deputy attorneys general, the
15 administrative services manager of the department of
16 the attorney general, one secretary for the
17 administrative services manager, an administrator and
18 any support staff for the criminal and juvenile
19 justice resources coordination functions, and law
20 clerks;

21 (11) (A) Teachers, principals, vice-principals, complex
22 area superintendents, deputy and assistant
23 superintendents, other certificated personnel,

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- 1 not more than twenty noncertificated
- 2 administrative, professional, and technical
- 3 personnel not engaged in instructional work;
- 4 (B) Effective July 1, 2003, teaching assistants,
- 5 educational assistants, bilingual/bicultural
- 6 school-home assistants, school psychologists,
- 7 psychological examiners, speech pathologists,
- 8 athletic health care trainers, alternative school
- 9 work study assistants, alternative school
- 10 educational/supportive services specialists,
- 11 alternative school project coordinators, and
- 12 communications aides in the department of
- 13 education;
- 14 (C) The special assistant to the state librarian and
- 15 one secretary for the special assistant to the
- 16 state librarian; and
- 17 (D) Members of the faculty of the University of
- 18 Hawaii, including research workers, extension
- 19 agents, personnel engaged in instructional work,
- 20 and administrative, professional, and technical
- 21 personnel of the university;
- 22 (12) Employees engaged in special, research, or
- 23 demonstration projects approved by the governor;

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- 1 (13) (A) Positions filled by inmates, patients of state
2 institutions, persons with severe physical or
3 mental disabilities participating in the work
4 experience training programs;
- 5 (B) Positions filled with students in accordance with
6 guidelines for established state employment
7 programs; and
- 8 (C) Positions that provide work experience training
9 or temporary public service employment that are
10 filled by persons entering the workforce or
11 persons transitioning into other careers under
12 programs such as the federal Workforce Investment
13 Act of 1998, as amended, or the Senior Community
14 Service Employment Program of the Employment and
15 Training Administration of the United States
16 Department of Labor, or under other similar state
17 programs;
- 18 (14) A custodian or guide at Iolani Palace, the Royal
19 Mausoleum, and Hulihee Palace;
- 20 (15) Positions filled by persons employed on a fee,
21 contract, or piecework basis, who may lawfully perform
22 their duties concurrently with their private business
23 or profession or other private employment and whose

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1 duties require only a portion of their time, if it is
2 impracticable to ascertain or anticipate the portion
3 of time to be devoted to the service of the State;

4 (16) Positions of first deputies or first assistants of
5 each department head appointed under or in the manner
6 provided in section 6, article V, of the Hawaii State
7 Constitution; three additional deputies or assistants
8 either in charge of the highways, harbors, and
9 airports divisions or other functions within the
10 department of transportation as may be assigned by the
11 director of transportation, with the approval of the
12 governor; four additional deputies in the department
13 of health, each in charge of one of the following:
14 behavioral health, environmental health, hospitals,
15 and health resources administration, including other
16 functions within the department as may be assigned by
17 the director of health, with the approval of the
18 governor; an administrative assistant to the state
19 librarian; and an administrative assistant to the
20 superintendent of education;

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

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

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

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

12 (19) Household employees at the official residence of the
13 president of the University of Hawaii;

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

19 (21) Employees hired under the tenant hire program of the
20 Hawaii public housing authority; provided that not
21 more than twenty-six per cent of the authority's
22 workforce in any housing project maintained or

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- 1 operated by the authority shall be hired under the
2 tenant hire program;
- 3 (22) Positions of the federally funded expanded food and
4 nutrition program of the University of Hawaii that
5 require the hiring of nutrition program assistants who
6 live in the areas they serve;
- 7 (23) Positions filled by persons with severe disabilities
8 who are certified by the state vocational
9 rehabilitation office that they are able to perform
10 safely the duties of the positions;
- 11 (24) The sheriff;
- 12 (25) A gender and other fairness coordinator hired by the
13 judiciary;
- 14 (26) Positions in the Hawaii National Guard youth and adult
15 education programs;
- 16 (27) In the state energy office in the department of
17 business, economic development, and tourism, all
18 energy program managers, energy program specialists,
19 energy program assistants, and energy analysts;
- 20 (28) Administrative appeals hearing officers in the
21 department of human services;
- 22 (29) In the Med-QUEST division of the department of human
23 services, the division administrator, finance officer,

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1 health care services branch administrator, medical
2 director, and clinical standards administrator;

3 (30) In the director's office of the department of human
4 services, the enterprise officer, information security
5 and privacy compliance officer, security and privacy
6 compliance engineer, ~~and~~ security and privacy
7 compliance analyst^[+], the information technology
8 implementation manager, the assistant information
9 technology implementation manager, the resource
10 manager, the community/project development director,
11 the policy director, the special assistant to the
12 director, and the limited English proficiency project
13 manager/coordinator;

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

16 ^[+] (32) ^[+] In the Hawaii emergency management agency, the
17 executive officer, public information officer, civil
18 defense administrative officer, branch chiefs, and
19 emergency operations center state warning point
20 personnel; provided that, for state warning point
21 personnel, the director shall determine that
22 recruitment through normal civil service recruitment

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1 procedures would result in delay or noncompliance;

2 [~~and~~]

3 [~~+~~] (33) [~~+~~] The executive director and seven full-time
4 administrative positions of the school facilities
5 authority~~[-]~~; and

6 (34) In the social services division of the department of
7 human services, the business technology analyst.

8 The director shall determine the applicability of this
9 section to specific positions.

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

12 SECTION 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect on June 29, 2022.

15

16

INTRODUCED BY:



BY REQUEST

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Report Title:

Department of Human Services; Civil Service; Exemptions

Description:

Permanently exempts eight positions in the Department of Human Services from civil service.

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

SB. NO. 3106

DEPARTMENT: Human Services

TITLE: A BILL FOR AN ACT RELATING TO EXEMPTIONS FROM CIVIL SERVICE FOR POSITIONS IN THE DEPARTMENT OF HUMAN SERVICES.

PURPOSE: To permanently exempt from civil service the following positions in the Director's Office of the Department of Human Services (DHS): the information technology implementation manager, the assistant information technology implementation manager, the resource manager, the community/project development director, the policy director, the special assistant to the director, and the limited English proficiency project manager/coordinator; and in the Social Services Division: the business technology analyst.

MEANS: Amend section 76-16(b), Hawaii Revised Statutes (HRS).

JUSTIFICATION: DHS seeks permanent exemptions from civil service of seven positions currently in the Director's Office and one position in the Social Services Division. These positions currently exist as temporarily exempt positions or were created through special projects.

Prior to the 2020 outbreak of the coronavirus disease 2019 (COVID-19) pandemic, DHS served nearly one in four Hawaii residents. Now, DHS serves nearly one in three Hawaii residents. During the pandemic, DHS quickly transitioned to a telework environment, requested and implemented multiple programmatic waivers, and developed innovative technical strategies and capacities to maintain access to and delivery of benefits and services, while adhering to COVID-19 health and safety protocols.

The successful and significant pivot to a telework environment relied upon strong and knowledgeable leadership, and the ongoing investment to modernize DHS's information technology (IT) infrastructure, strategic planning, and organizational change management to support the workforce and improve DHS's business processes. Taken together, these strategies allowed DHS to maintain and expand access to benefits and services to significantly more residents since the pandemic started in March 2020.

To continue to maintain the high level of service, DHS needs to be competitive to attract and retain qualified, experienced, and knowledgeable staff who are permanently exempt from civil service. These staff are required to attend to completing the array of IT modernization and system integration projects, many of which leverage available federal funds, as well as maintain on-going system security, compliance, and necessary maintenance, and meet the additional supports needed by a distributed telework workforce.

DHS previously and currently relies upon contracted project-based IT professionals to lead many IT-related projects. This strategy does little to support the necessary and lengthy project design, procurement and multi-step approval processes, development, and implementation of new systems, all while maintaining the existing systems.

The information technology implementation manager serves as a project manager and provides leadership, coordination, and support to the DHS's IT modernization efforts. This position coordinates and collaborates with consultants, contractors, DHS technical, and business leads, and project managers of key projects that include Med-QUEST Division's KOLEA integrated eligibility and integrated health and human services technical platform, the

Benefit, Employment and Support Services Division's Benefit Eligibility Solution (BES), and the Social Services Division's Comprehensive Child Welfare and Adult Services Modernization and Legacy Replacement Project.

The position requires extensive knowledge of procurement, fiscal resources, program management, cross project management and coordination involving multiple technologies and functions; project management methodologies and practices; knowledge of information systems' principles, methodologies, and assumptions; and principles and practices of supervision, budgeting, planning, and human and organizational behavior. Knowledge of public sector or human services business domain is preferred.

The assistant information technology implementation manager serves as an assistant project manager that provides coordination and support to the DHS IT modernization project. This position assists in the development of the overall schedules and work plans focusing on the integration and coordination of key projects to maximize efficiencies, ensure synergies, minimize risks, and prevent barriers to any single project and to the overall project as a whole.

The resource manager provides technical assistance and overall oversight of the DHS IT resources assigned to the various IT modernization and other IT-related initiatives. This position works with department divisions and staff office personnel as well as consultants and contractors to implement solutions that allow the integration of multiple platforms, operating systems, and applications across DHS and the State. Importantly and amongst other things, the resource manager coordinates federal and state funding for the IT projects and identifies the best

approach to maximize federal funding from various sources. This position requires a bachelor's or master's degree in computer science, information systems, accounting, finance or other related field.

In the Director's Office, DHS requests the following positions that are currently temporarily exempt from civil service per Act 81, Session Laws of Hawaii (SLH) 2019, become permanently exempt from civil service: the community/project development director; policy director; and the special assistant to the director. Additionally, DHS requests the limited English proficiency project manager/coordinator, which was established as a special project, become permanently exempt from civil service.

These positions are required to effectively lead and manage DHS programs, improve access to services and the quality of services, improve the working conditions at DHS to improve recruitment and retention of the human services work force, improve and standardize procurement and other administrative processes, respond to legislative changes, establish and maintain clear communication, and establish collaborative relationships with recipients, policy makers, other departments and branches of government, and community partners and members.

In Act 79, SLH 2016, the Legislature established temporary exempt positions of the community/project development director and the policy director in the office of the director of DHS. The temporary exemptions were extended an additional three years per Act 81, SLH 2019.

The community/project development director is tasked with embedding and operationalizing 'Ohana Nui, the department's multi-generational approach to end intergenerational poverty. The community/project development director will

continue to lead required internal organizational change management that is required for DHS to transform to an integrated service delivery model that incorporates client and provider experiences. Additionally, the community/project development director collaborates with other government agencies, external community members, and providers to work with DHS to co-create solutions to positively influence community wide changes that support multi-generational success and reduce poverty in general.

The policy director reviews and identifies federal and state policy, legislation, and strategies impacting the programs that will lead to improved service delivery and positive outcomes. The policy director assists the director and program administrators in the department's effort to identify key program changes that will remove system barriers and incorporate a multi-generational 'Ohana Nui service delivery approach. Until the IT professionals described above are hired, the policy director also facilitates internal and external data governance and data sharing discussions, and drafts data sharing agreements.

The community/project development director and the policy director both have leadership roles to promote cross-agency and cross-sector initiatives, co-enrollment, review, pursue, and oversee grant opportunities that improve the human services delivery system.

The special assistant to the director of DHS is tasked with addressing internal policy and improving ongoing operations. As the department experiences retirement of many dedicated DHS workers who take with them decades of experience and system know-how, maintaining and improving continuity of practice and facilitating knowledge transfer are primary tasks of the special assistant. Developing and coordinating departmental

administrative rules drafting and procurement processes are key initiatives that will improve departmental efficiencies and transparency. Simplifying business processes and workflows so that they will eventually become part of the DHS enterprise system are the ultimate goals.

Additionally, the community/project development director, the policy director, and special assistant represent the director and the department in statutory and other work groups and task forces, and on national calls with human services affinity groups and federal partners.

The limited English proficiency (LEP) project manager/coordinator oversees, develops, coordinates, and advises on services related to meaningful access to departmental services and programs for individuals with LEP. State and federal laws require DHS and other government entities to maintain language access services for Hawaii's culturally diverse population regarding all public benefits and services. All entities receiving federal funds are subject to provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq. (Title VI), that prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance and must provide meaningful access to services.

This position requires knowledge of the needs of both oral and written communication of Hawaii's diverse LEP client population, federal and state laws and regulations public administration policies and principles, utilization of information systems and related technologies, and effective communication and presentation techniques.

The Social Services Division has oversight over the Adult Protective Services Branch

and the Child Welfare Services Branch. The business technology analyst is responsible for the development and implementation of the IT modernization project to facilitate the work of the two protective branches in the Social Services Division. This is the third phase of the ongoing DHS IT modernization work and will provide a single system of record to promote a family- and client-centered model of practice. After the system is built, this position will continue to maintain and monitor the system to make sure that it operates properly. The position requires a bachelor's degree in computer science, management information systems, engineering, mathematics, business administration, or a related field, with knowledge and five years of professional work experience demonstrating information technology experience.

Impact on the public: More effective and efficient administration of DHS and its programs will result in more effective use of taxpayer dollars. Improvements to IT systems and internal business processes will assist DHS to recruit, maintain, and develop the State's human services workforce.

Impact on the department and other agencies: DHS will be able to efficiently and effectively administer departmental programs and better coordinate with partner agencies and the community.

GENERAL FUND:

Appropriations for four of these positions are included in the current budget. A general fund appropriation in the amount of \$224,908 for the following positions will be requested through the budget as follows: the information technology implementation manager (0.65 FTE/\$85,515 A), the assistant information technology implementation manager (0.65 FTE/\$59,639 A), and the resource manager (0.65 FTE/\$79,755 A).

OTHER FUNDS: A federal fund request for \$120,027 will be made through the budget as follows: the information technology implementation manager (0.35 FTE/\$44,969 N), the assistant information technology implementation manager (0.35 FTE/\$32,113 N), and the resource manager (0.35 FTE/\$42,945 N).

PPBS PROGRAM
DESIGNATION: HMS 904.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: June 29, 2022.