
A BILL FOR AN ACT

RELATING TO THE HAWAII EMERGENCY MANAGEMENT AGENCY.

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

1 SECTION 1. The legislature finds that there continues to
2 be an insufficient number of Hawaii emergency management agency
3 staff and applicants to fill critical position vacancies with
4 trained, experienced, and qualified personnel. Exempting key
5 positions of the agency from civil service will create
6 conditions for a responsive, flexible, and aggressive hiring
7 system that will expedite the filling of these vacancies, as
8 well as improve competitive recruiting and retention of
9 qualified and experienced emergency management professionals.
10 There will also be a reduction of risk to the State in having
11 extended vacancies in these critical positions.

12 The purpose of this Act is to convert the emergency
13 management specialist series positions at level IV and higher in
14 the Hawaii emergency management agency from civil service status
15 to exempt status.

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



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

5 (1) Commissioned and enlisted personnel of the Hawaii
6 National Guard as such, and positions in the Hawaii
7 National Guard that are required by state or federal
8 laws or regulations or orders of the National Guard to
9 be filled from those commissioned or enlisted
10 personnel;

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

19 (3) Positions that must be filled without delay to comply
20 with a court order or decree if the director
21 determines that recruitment through normal recruitment



1 civil service procedures would result in delay or
2 noncompliance, such as the Felix-Cayetano consent
3 decree;

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

6 (5) Employees in the office of the governor and office of
7 the lieutenant governor, and household employees at
8 Washington Place;

9 (6) Positions filled by popular vote;

10 (7) Department heads, officers, and members of any board,
11 commission, or other state agency whose appointments
12 are made by the governor or are required by law to be
13 confirmed by the senate;

14 (8) Judges, referees, receivers, masters, jurors, notaries
15 public, land court examiners, court commissioners, and
16 attorneys appointed by a state court for a special
17 temporary service;

18 (9) One bailiff for the chief justice of the supreme court
19 who shall have the powers and duties of a court
20 officer and bailiff under section 606-14; one
21 secretary or clerk for each justice of the supreme



1 court, each judge of the intermediate appellate court,
2 and each judge of the circuit court; one secretary for
3 the judicial council; one deputy administrative
4 director of the courts; three law clerks for the chief
5 justice of the supreme court, two law clerks for each
6 associate justice of the supreme court and each judge
7 of the intermediate appellate court, one law clerk for
8 each judge of the circuit court, two additional law
9 clerks for the civil administrative judge of the
10 circuit court of the first circuit, two additional law
11 clerks for the criminal administrative judge of the
12 circuit court of the first circuit, one additional law
13 clerk for the senior judge of the family court of the
14 first circuit, two additional law clerks for the civil
15 motions judge of the circuit court of the first
16 circuit, two additional law clerks for the criminal
17 motions judge of the circuit court of the first
18 circuit, and two law clerks for the administrative
19 judge of the district court of the first circuit; and
20 one private secretary for the administrative director
21 of the courts, the deputy administrative director of



1 the courts, each department head, each deputy or first
2 assistant, and each additional deputy, or assistant
3 deputy, or assistant defined in paragraph (16);

4 (10) First deputy and deputy attorneys general, the
5 administrative services manager of the department of
6 the attorney general, one secretary for the
7 administrative services manager, an administrator and
8 any support staff for the criminal and juvenile
9 justice resources coordination functions, and law
10 clerks;

11 (11) (A) Teachers, principals, vice-principals, complex
12 area superintendents, deputy and assistant
13 superintendents, other certificated personnel,
14 not more than twenty noncertificated
15 administrative, professional, and technical
16 personnel not engaged in instructional work;

17 (B) Effective July 1, 2003, teaching assistants,
18 educational assistants, bilingual/bicultural
19 school-home assistants, school psychologists,
20 psychological examiners, speech pathologists,
21 athletic health care trainers, alternative school



1 work study assistants, alternative school
 2 educational/supportive services specialists,
 3 alternative school project coordinators, and
 4 communications aides in the department of
 5 education;

6 (C) The special assistant to the state librarian and
 7 one secretary for the special assistant to the
 8 state librarian; and

9 (D) Members of the faculty of the University of
 10 Hawaii, including research workers, extension
 11 agents, personnel engaged in instructional work,
 12 and administrative, professional, and technical
 13 personnel of the university;

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

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



1 (B) Positions filled with students in accordance with
2 guidelines for established state employment
3 programs; and

4 (C) Positions that provide work experience training
5 or temporary public service employment that are
6 filled by persons entering the workforce or
7 persons transitioning into other careers under
8 programs such as the federal Workforce Investment
9 Act of 1998, as amended, or the Senior Community
10 Service Employment Program of the Employment and
11 Training Administration of the United States
12 Department of Labor, or under other similar state
13 programs;

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

16 (15) Positions filled by persons employed on a fee,
17 contract, or piecework basis, who may lawfully perform
18 their duties concurrently with their private business
19 or profession or other private employment and whose
20 duties require only a portion of their time, if it is



1 impracticable to ascertain or anticipate the portion
 2 of time to be devoted to the service of the State;
 3 (16) Positions of first deputies or first assistants of
 4 each department head appointed under or in the manner
 5 provided in section 6, article V, of the Hawaii State
 6 Constitution; three additional deputies or assistants
 7 either in charge of the highways, harbors, and
 8 airports divisions or other functions within the
 9 department of transportation as may be assigned by the
 10 director of transportation, with the approval of the
 11 governor; four additional deputies in the department
 12 of health, each in charge of one of the following:
 13 behavioral health, environmental health, hospitals,
 14 and health resources administration, including other
 15 functions within the department as may be assigned by
 16 the director of health, with the approval of the
 17 governor; two additional deputies in charge of the law
 18 enforcement programs, administration, or other
 19 functions within the department of law enforcement as
 20 may be assigned by the director of law enforcement,
 21 with the approval of the governor; an administrative



1 assistant to the state librarian; and an
2 administrative assistant to the superintendent of
3 education;

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

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

10 (B) All of the positions defined by paragraph (9)
11 shall be included in the position classification
12 plan;

13 (18) Positions in the state foster grandparent program and
14 positions for temporary employment of senior citizens
15 in occupations in which there is a severe personnel
16 shortage or in special projects;

17 (19) Household employees at the official residence of the
18 president of the University of Hawaii;

19 (20) Employees in the department of education engaged in
20 the supervision of students during meal periods in the
21 distribution, collection, and counting of meal



- 1 tickets, and in the cleaning of classrooms after
2 school hours on a less than half-time basis;
- 3 (21) Employees hired under the tenant hire program of the
4 Hawaii public housing authority; provided that not
5 more than twenty-six per cent of the authority's
6 workforce in any housing project maintained or
7 operated by the authority shall be hired under the
8 tenant hire program;
- 9 (22) Positions of the federally funded expanded food and
10 nutrition program of the University of Hawaii that
11 require the hiring of nutrition program assistants who
12 live in the areas they serve;
- 13 (23) Positions filled by persons with severe disabilities
14 who are certified by the state vocational
15 rehabilitation office that they are able to perform
16 safely the duties of the positions;
- 17 (24) The sheriff;
- 18 (25) A gender and other fairness coordinator hired by the
19 judiciary;
- 20 (26) Positions in the Hawaii National Guard youth and adult
21 education programs;



- 1 (27) In the state energy office in the department of
2 business, economic development, and tourism, all
3 energy program managers, energy program specialists,
4 energy program assistants, and energy analysts;
- 5 (28) Administrative appeals hearing officers in the
6 department of human services;
- 7 (29) In the Med-QUEST division of the department of human
8 services, the division administrator, finance officer,
9 health care services branch administrator, medical
10 director, and clinical standards administrator;
- 11 (30) In the director's office of the department of human
12 services, the enterprise officer, information security
13 and privacy compliance officer, security and privacy
14 compliance engineer, and security and privacy
15 compliance analyst;
- 16 (31) The Alzheimer's disease and related dementia services
17 coordinator in the executive office on aging;
- 18 (32) In the Hawaii emergency management agency, the
19 executive officer, public information officer, civil
20 defense administrative officer, branch chiefs,
21 positions in the emergency management specialist



1 series at level IV and higher, and emergency
 2 operations center state warning point personnel;
 3 provided that, for state warning point personnel, the
 4 director shall determine that recruitment through
 5 normal civil service recruitment procedures would
 6 result in delay or noncompliance;

7 (33) The executive director and seven full-time
 8 administrative positions of the school facilities
 9 authority;

10 (34) Positions in the Mauna Kea stewardship and oversight
 11 authority; and

12 [+] (35) [+] In the office of homeland security of the department
 13 of defense, the statewide interoperable communications
 14 coordinator.

15 The director shall determine the applicability of this
 16 section to specific positions.

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

19 SECTION 3. Statutory material to be repealed is bracketed
 20 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect on June 30, 3000;
2 provided that the amendments made to section 76-16(b), Hawaii
3 Revised Statutes, by section 2 of this Act shall not be repealed
4 on January 1, 2024, when section 24 of Act 278, Session Laws of
5 Hawaii 2022, takes effect.



Report Title:

Hawaii Emergency Management Agency; Civil Service; Exempt

Description:

Converts the emergency management specialist series positions at level IV and higher in the Hawaii emergency management agency from civil service status to exempt status. Effective 6/30/3000. (HD1)

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

