
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:

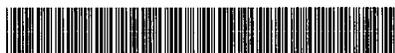
12 "(b) The civil service to which this chapter applies shall
13 comprise all positions in the State now existing or hereafter
14 established and embrace all personal services performed for the
15 State, except the following:



- 1 (1) Commissioned and enlisted personnel of the Hawaii
2 National Guard as such, and positions in the Hawaii
3 National Guard that are required by state or federal
4 laws or regulations or orders of the National Guard to
5 be filled from those commissioned or enlisted
6 personnel;
- 7 (2) Positions filled by persons employed by contract where
8 the director of human resources development has
9 certified that the service is special or unique or is
10 essential to the public interest and that, because of
11 circumstances surrounding its fulfillment, personnel
12 to perform the service cannot be obtained through
13 normal civil service recruitment procedures. Any such
14 contract may be for any period not exceeding one year;
- 15 (3) Positions that must be filled without delay to comply
16 with a court order or decree if the director
17 determines that recruitment through normal recruitment
18 civil service procedures would result in delay or
19 noncompliance, such as the Felix-Cayetano consent
20 decree;



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



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



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

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

14 (B) Effective July 1, 2003, teaching assistants,
15 educational assistants, bilingual/bicultural
16 school-home assistants, school psychologists,
17 psychological examiners, speech pathologists,
18 athletic health care trainers, alternative school
19 work study assistants, alternative school
20 educational/supportive services specialists,
21 alternative school project coordinators, and



- 1 communications aides in the department of
2 education;
- 3 (C) The special assistant to the state librarian and
4 one secretary for the special assistant to the
5 state librarian; and
- 6 (D) Members of the faculty of the University of
7 Hawaii, including research workers, extension
8 agents, personnel engaged in instructional work,
9 and administrative, professional, and technical
10 personnel of the university;
- 11 (12) Employees engaged in special, research, or
12 demonstration projects approved by the governor;
- 13 (13) (A) Positions filled by inmates, patients of state
14 institutions, persons with severe physical or
15 mental disabilities participating in the work
16 experience training programs;
- 17 (B) Positions filled with students in accordance with
18 guidelines for established state employment
19 programs; and
- 20 (C) Positions that provide work experience training
21 or temporary public service employment that are



1 filled by persons entering the workforce or
 2 persons transitioning into other careers under
 3 programs such as the federal Workforce Investment
 4 Act of 1998, as amended, or the Senior Community
 5 Service Employment Program of the Employment and
 6 Training Administration of the United States
 7 Department of Labor, or under other similar state
 8 programs;

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

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

18 (16) Positions of first deputies or first assistants of
 19 each department head appointed under or in the manner
 20 provided in section 6, article V, of the Hawaii State
 21 Constitution; three additional deputies or assistants



1 either in charge of the highways, harbors, and
2 airports divisions or other functions within the
3 department of transportation as may be assigned by the
4 director of transportation, with the approval of the
5 governor; four additional deputies in the department
6 of health, each in charge of one of the following:
7 behavioral health, environmental health, hospitals,
8 and health resources administration, including other
9 functions within the department as may be assigned by
10 the director of health, with the approval of the
11 governor; two additional deputies in charge of the law
12 enforcement programs, administration, or other
13 functions within the department of law enforcement as
14 may be assigned by the director of law enforcement,
15 with the approval of the governor; an administrative
16 assistant to the state librarian; and an
17 administrative assistant to the superintendent of
18 education;
19 (17) Positions specifically exempted from this part by any
20 other law; provided that:



- 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



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



- 1 (28) Administrative appeals hearing officers in the
2 department of human services;
- 3 (29) In the Med-QUEST division of the department of human
4 services, the division administrator, finance officer,
5 health care services branch administrator, medical
6 director, and clinical standards administrator;
- 7 (30) In the director's office of the department of human
8 services, the enterprise officer, information security
9 and privacy compliance officer, security and privacy
10 compliance engineer, [~~and~~] security and privacy
11 compliance analyst[+], the information technology
12 implementation manager, the assistant information
13 technology implementation manager, the resource
14 manager, the community/project development director,
15 the policy director, the special assistant to the
16 director, and the limited English proficiency project
17 manager/coordinator;
- 18 (31) The Alzheimer's disease and related dementia services
19 coordinator in the executive office on aging;
- 20 (32) In the Hawaii emergency management agency, the
21 executive officer, public information officer, civil



1 defense administrative officer, branch chiefs, and
 2 emergency operations center state warning point
 3 personnel; provided that, for state warning point
 4 personnel, the director shall determine that
 5 recruitment through normal civil service recruitment
 6 procedures would 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~~[-]~~; and

15 (36) In the social services division of the department of
 16 human services, the business technology analyst.

17 The director shall determine the applicability of this
 18 section to specific positions.

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



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect on June 29, 2023.
4

INTRODUCED BY:


JAN 19 2023



H.B. NO. 339

Report Title:

Department of Human Services; Civil Service; Exemptions

Description:

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

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