

---

---

# 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 second deputy director,  
4 information technology implementation manager, assistant  
5 information technology implementation manager, resource manager,  
6 community/project development director, policy director, special  
7 assistant to the 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; one additional deputy in the department of  
4 human services either in charge of welfare or other  
5 functions within the department as may be assigned by  
6 the director of human services; four additional  
7 deputies in the department of health, each in charge  
8 of one of the following: behavioral health,  
9 environmental health, hospitals, and health resources  
10 administration, including other functions within the  
11 department as may be assigned by the director of  
12 health, with the approval of the governor; two  
13 additional deputies in charge of the law enforcement  
14 programs, administration, or other functions within  
15 the department of law enforcement as may be assigned  
16 by the director of law enforcement, with the approval  
17 of the governor; an administrative assistant to the  
18 state librarian; and an administrative assistant to  
19 the superintendent of education;  
20 (17) Positions specifically exempted from this part by any  
21 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[+], information technology
- 12                  implementation manager, assistant information
- 13                  technology implementation manager, resource manager,
- 14                  community/project development director, policy
- 15                  director, special assistant to the director, and
- 16                  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) [+]  
13 In the office of homeland security of the department  
14 of defense, the statewide interoperable communications  
15 coordinator[~~-~~]; and

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

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

20 Nothing in this section shall be deemed to affect the civil  
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 upon its approval;  
4 provided that the amendments made to section 76-16(b) by section  
5 2 of this Act shall not be repealed when that section is amended  
6 on January 1, 2024, pursuant to section 62 of Act 278, Session  
7 Laws of Hawaii 2022.



**Report Title:**

Department of Human Services; Civil Service; Exemptions

**Description:**

Permanently exempts nine positions in the Department of Human Services from civil service. (CD1)

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

