

JAN 20 2023

---

# A BILL FOR AN ACT

---

RELATING TO THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT.

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

SECTION 1. Section 26-5, Hawaii Revised Statutes, is amended to read as follows:

**"§26-5 Department of human resources development. (a)**

The department of human resources development shall be headed by a single executive to be known as the director of human resources development. The director shall:

(1) Facilitate and expedite the hiring and recruitment for civil service positions under the jurisdiction of the department of human resources development; and

(2) Have the authority to reclassify and abolish vacant positions within state departments and agencies that are under the jurisdiction of the department of human resources development, subject to the following conditions:

(A) Prior to reclassifying or abolishing any vacant position as provided under this paragraph, the director shall submit a report to the legislature



1           no later than twenty days prior to each regular  
2           session. The report shall include a list of  
3           vacant positions for reclassification or  
4           abolishment, identify the agency each position is  
5           attached to, provide reasons for reclassifying or  
6           abolishing the position, and state the duration  
7           that the position has been vacant; and

8           (B) The director may reclassify or abolish any vacant  
9           position as provided under this paragraph no  
10          earlier than sixty days after the report has been  
11          submitted to the legislature as provided under  
12          this paragraph.

13           (b) The department shall administer the state human  
14   resources program, including human resources development and  
15   training, and central human resources services such as  
16   recruitment, examination, classification, pay administration,  
17   and payment of any claims as required under chapter 386.

18           (c) There shall be within the department of human  
19   resources development a board to be known as the merit appeals  
20   board which shall sit as an appellate body on matters set forth  
21   in section 76-14. The board shall consist of three members.



1 All members shall have knowledge of public employment laws and  
2 prior experience with public employment; provided that at least  
3 one member's experience was with an employee organization as a  
4 member or an employee of that organization and at least one  
5 member's experience was with management. The governor shall  
6 consider the names of qualified individuals submitted by  
7 employee organizations or management before appointing the  
8 members of the board. The chairperson of the board shall be  
9 designated as specified in the rules of the board.

10 (d) The provisions of section 26-34 shall not apply and  
11 the board members shall be appointed by the governor for  
12 four-year terms and may be re-appointed without limitation;  
13 provided that the initial appointments shall be for staggered  
14 terms, as determined by the governor. The governor shall fill  
15 any vacancy by appointing a new member for a four-year term.  
16 The governor may remove for cause any member after due notice  
17 and public hearing.

18 (e) Nothing in this section shall be construed as in any  
19 manner affecting the civil service laws applicable to the  
20 several counties, the judiciary, or the Hawaii health systems



1 corporation or its regional system boards, which shall remain  
2 the same as if this chapter had not been enacted.

3 ~~[(f) There is established within the department of human~~  
4 ~~resources development an administrative assistant position~~  
5 ~~exempt from chapter 76. The administrative assistant shall be~~  
6 ~~appointed by and report to the director of human resources~~  
7 ~~development.~~

8 ~~The administrative assistant shall:~~

9 ~~(1) Facilitate and expedite the hiring and recruitment for~~  
10 ~~civil service positions under the jurisdiction of the~~  
11 ~~department of human resources development; and~~

12 ~~(2) Have the authority to reclassify and abolish vacant~~  
13 ~~positions within state departments and agencies that~~  
14 ~~are under the jurisdiction of the department of human~~  
15 ~~resources development, subject to the following~~  
16 ~~conditions:~~

17 ~~(A) Prior to reclassifying or abolishing any vacant~~  
18 ~~position as provided under this paragraph, the~~  
19 ~~administrative assistant shall submit a report to~~  
20 ~~the legislature no later than twenty days prior~~  
21 ~~to each regular session. The report shall~~



1 ~~include a list of vacant positions for~~  
2 ~~reclassification or abolishment, identify the~~  
3 ~~agency each position is attached to, provide~~  
4 ~~reasons for reclassifying or abolishing the~~  
5 ~~position, and state the duration the position has~~  
6 ~~been vacant; and~~

7 ~~(B) The administrative assistant may reclassify or~~  
8 ~~abolish any vacant position as provided under~~  
9 ~~this paragraph no earlier than sixty days after~~  
10 ~~the report has been submitted to the legislature~~  
11 ~~as provided under this paragraph.]~~

12 ~~[(g)]~~ (f) There is established in the state treasury the  
13 human resources development special fund, to be administered by  
14 the department of human resources development, which shall  
15 consist of: all revenues received by the department as a result  
16 of entrepreneurial efforts in securing new sources of funds not  
17 provided for in the department's budget for services rendered by  
18 the department, all revenues received by the department from the  
19 charging of participant fees for in-service training that are in  
20 addition to general fund appropriations in the department's  
21 budget for developing and operating in-service training



1 programs, appropriations made by the legislature to the fund,  
2 and moneys directed to the department from any other source,  
3 including gifts, grants, and awards.

4 Moneys in the human resources development special fund  
5 shall be used for the following purposes:

6 (1) Supporting the department's entrepreneurial

7 initiatives, training activities, and programs;

8 (2) Administrative costs of the department's

9 entrepreneurial initiatives, training activities, and  
10 programs; and

11 (3) Any other purpose deemed necessary by the director for  
12 the purpose of facilitating the department's

13 entrepreneurial initiatives, training activities, and  
14 programs.

15 [~~(h)~~] (g) The department of human resources development  
16 shall submit, no later than twenty days prior to the convening  
17 of each regular session of the legislature beginning with the  
18 regular session of 2007, a report of the number of exempt  
19 positions that were converted to civil service positions during  
20 the previous twelve months. The report shall include but not be  
21 limited to:

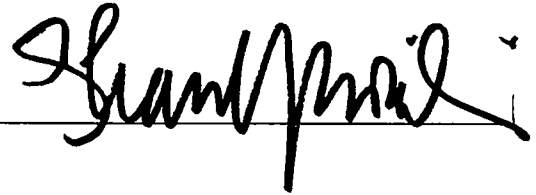


- (1) When the position was established;
- (2) The purpose of the position;
- (3) Rationale for the conversion; and
- (4) How many exempt positions remain in each state department after the conversions."

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

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: \_\_\_\_\_



# S.B. NO. 726

**Report Title:**

DHRD; Director; Administrative Assistant Position; Repeal

**Description:**

Repeals the administrative assistant position within the Department of Human Resources Development. Reassigns the responsibilities of the administrative assistant to the director.

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

