
A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES.

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

1 SECTION 1. The purpose of this Act is to authorize the
2 department of accounting and general services to hire for
3 positions directly, rather than having to utilize the department
4 of human resources development.

5 SECTION 2. Chapter 26, Hawaii Revised Statutes, is amended
6 by adding a new section to be appropriately designated and to
7 read as follows:

8 "§26- Exempt employees. Employees of the department of
9 accounting and general services not subject to chapter 76 shall
10 be hired directly by the department and shall serve under the
11 direction of the comptroller. Exempt employees shall be
12 eligible to receive the benefits of any state employee benefit
13 program generally applicable to officers and employees of the
14 State."

15 SECTION 3. Section 76-16, Hawaii Revised Statutes, is
16 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~~
18 such]; provided that the contract may be for any
19 period not exceeding one year;

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



- 1 determines that recruitment through normal recruitment
2 civil service procedures would result in delay or
3 noncompliance, such as the Felix-Cayetano consent
4 decree;
- 5 (4) Positions filled by the legislature or by either house
6 or any committee thereof;
- 7 (5) Employees in the office of the governor and office of
8 the lieutenant governor, and household employees at
9 Washington Place;
- 10 (6) Positions filled by popular vote;
- 11 (7) Department heads, officers, and members of any board,
12 commission, or other state agency whose appointments
13 are made by the governor or are required by law to be
14 confirmed by the senate;
- 15 (8) Judges, referees, receivers, masters, jurors, notaries
16 public, land court examiners, court commissioners, and
17 attorneys appointed by a state court for a special
18 temporary service;
- 19 (9) One bailiff for the chief justice of the supreme court
20 who shall have the powers and duties of a court
21 officer and bailiff under section 606-14; one



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



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

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

12 (11) (A) Teachers, principals, vice-principals, complex
13 area superintendents, deputy and assistant
14 superintendents, other certificated personnel, no
15 more than twenty noncertificated administrative,
16 professional, and technical personnel not engaged
17 in instructional work;

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



- 1 athletic health care trainers, alternative school
2 work study assistants, alternative school
3 educational/supportive services specialists,
4 alternative school project coordinators, and
5 communications aides in the department of
6 education;
- 7 (C) The special assistant to the state librarian and
8 one secretary for the special assistant to the
9 state librarian; and
- 10 (D) Members of the faculty of the University of
11 Hawaii, including research workers, extension
12 agents, personnel engaged in instructional work,
13 and administrative, professional, and technical
14 personnel of the university;
- 15 (12) Employees engaged in special, research, or
16 demonstration projects approved by the governor;
- 17 (13) (A) Positions filled by inmates, patients of state
18 institutions, persons with severe physical or
19 mental disabilities participating in the work
20 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; one additional deputy in the department of
12 human services either in charge of welfare or other
13 functions within the department as may be assigned by
14 the director of human services; four additional
15 deputies in the department of health, each in charge
16 of one of the following: behavioral health,
17 environmental health, hospitals, and health resources
18 administration, including other functions within the
19 department as may be assigned by the director of
20 health, with the approval of the governor; two
21 additional deputies in charge of the law enforcement



1 programs, administration, or other functions within
2 the department of law enforcement as may be assigned
3 by the director of law enforcement, with the approval
4 of the governor; three additional deputies each in
5 charge of the correctional institutions,
6 rehabilitation services and programs, and
7 administration or other functions within the
8 department of corrections and rehabilitation as may be
9 assigned by the director of corrections and
10 rehabilitation, with the approval of the governor; an
11 administrative assistant to the state librarian; and
12 an administrative assistant to the superintendent of
13 education;

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

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



1 (B) All of the positions defined by paragraph (9)
2 shall be included in the position classification
3 plan;

4 (18) Positions in the state foster grandparent program and
5 positions for temporary employment of senior citizens
6 in occupations in which there is a severe personnel
7 shortage or in special projects;

8 (19) Household employees at the official residence of the
9 president of the University of Hawaii;

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

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



- 1 (22) Positions of the federally funded expanded food and
2 nutrition program of the University of Hawaii that
3 require the hiring of nutrition program assistants who
4 live in the areas they serve;
- 5 (23) Beginning July 1, 2024, employees in the department of
6 accounting and general services;
- 7 ~~[(23)]~~ (24) Positions filled by persons with severe
8 disabilities 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)]~~ (25) The sheriff;
- 12 ~~[(25)]~~ (26) A gender and other fairness coordinator hired by
13 the judiciary;
- 14 ~~[(26)]~~ (27) Positions in the Hawaii National Guard youth and
15 adult education programs;
- 16 ~~[(27)]~~ (28) 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)]~~ (29) Administrative appeals hearing officers in the
21 department of human services;



1 ~~[(29)]~~ (30) In the Med-QUEST division of the department of
2 human services, the division administrator, finance
3 officer, health care services branch administrator,
4 medical director, and clinical standards
5 administrator;

6 ~~[(30)]~~ (31) In the director's office of the department of
7 human services, the enterprise officer, information
8 security and privacy compliance officer, security and
9 privacy compliance engineer, security and privacy
10 compliance analyst, information technology
11 implementation manager, assistant information
12 technology implementation manager, resource manager,
13 community/project development director, policy
14 director, special assistant to the director, and
15 limited English proficiency project
16 manager/coordinator;

17 ~~[(31)]~~ (32) The Alzheimer's disease and related dementia
18 services coordinator in the executive office on aging;

19 ~~[(32)]~~ (33) In the Hawaii emergency management agency, the
20 executive officer, public information officer, civil
21 defense administrative officer, branch chiefs, and



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

6 [~~33~~] (34) The executive director and seven full-time
7 administrative positions of the school facilities
8 authority;

9 [~~34~~] (35) Positions in the Mauna Kea stewardship and
10 oversight authority;

11 [~~35~~] (36) In the office of homeland security of the
12 department of law enforcement, the statewide
13 interoperable communications coordinator; and

14 [~~36~~] (37) In the social services division of the
15 department of human services, the business technology
16 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."



H.B. NO. 2319

1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.
4

INTRODUCED BY: _____

Sam

JAN 22 2024



H.B. NO. 2319

Report Title:

DAGS; Employment; Civil Service

Description:

Authorizes the Department of Accounting and General Services to directly hire persons exempt from civil service and collective bargaining requirements. Exempts DAGS employees from civil service.

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