
A BILL FOR AN ACT

RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM.

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

1 SECTION 1. The purpose of this Act is to permanently
2 exempt an additional administrative assistant position in the
3 Hawaii State Public Library System from civil service.

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

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

10 (1) Commissioned and enlisted personnel of the Hawaii
11 National Guard as such, and positions in the Hawaii
12 National Guard that are required by state or federal
13 laws or regulations or orders of the National Guard to
14 be filled from those commissioned or enlisted
15 personnel;

16 (2) Positions filled by persons employed by contract where
17 the director of human resources development has
18 certified that the service is special or unique or is

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- 1 essential to the public interest and that, because of
2 circumstances surrounding its fulfillment, personnel
3 to perform the service cannot be obtained through
4 normal civil service recruitment procedures. Any such
5 contract may be for any period not exceeding one year;
- 6 (3) Positions that must be filled without delay to comply
7 with a court order or decree if the director
8 determines that recruitment through normal recruitment
9 civil service procedures would result in delay or
10 noncompliance, such as the Felix-Cayetano consent
11 decree;
- 12 (4) Positions filled by the legislature or by either house
13 or any committee thereof;
- 14 (5) Employees in the office of the governor and office of
15 the lieutenant governor, and household employees at
16 Washington Place;
- 17 (6) Positions filled by popular vote;
- 18 (7) Department heads, officers, and members of any board,
19 commission, or other state agency whose appointments
20 are made by the governor or are required by law to be
21 confirmed by the senate;

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- 1 (8) Judges, referees, receivers, masters, jurors, notaries
2 public, land court examiners, court commissioners, and
3 attorneys appointed by a state court for a special
4 temporary service;
- 5 (9) One bailiff for the chief justice of the supreme court
6 who shall have the powers and duties of a court
7 officer and bailiff under section 606-14; one
8 secretary or clerk for each justice of the supreme
9 court, each judge of the intermediate appellate court,
10 and each judge of the circuit court; one secretary for
11 the judicial council; one deputy administrative
12 director of the courts; three law clerks for the chief
13 justice of the supreme court, two law clerks for each
14 associate justice of the supreme court and each judge
15 of the intermediate appellate court, one law clerk for
16 each judge of the circuit court, two additional law
17 clerks for the civil administrative judge of the
18 circuit court of the first circuit, two additional law
19 clerks for the criminal administrative judge of the
20 circuit court of the first circuit, one additional law
21 clerk for the senior judge of the family court of the
22 first circuit, two additional law clerks for the civil

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1 motions judge of the circuit court of the first
2 circuit, two additional law clerks for the criminal
3 motions judge of the circuit court of the first
4 circuit, and two law clerks for the administrative
5 judge of the district court of the first circuit; and
6 one private secretary for the administrative director
7 of the courts, the deputy administrative director of
8 the courts, each department head, each deputy or first
9 assistant, and each additional deputy, or assistant
10 deputy, or assistant defined in paragraph (16);

11 (10) First deputy and deputy attorneys general, the
12 administrative services manager of the department of
13 the attorney general, one secretary for the
14 administrative services manager, an administrator and
15 any support staff for the criminal and juvenile
16 justice resources coordination functions, and law
17 clerks;

18 (11) (A) Teachers, principals, vice-principals, complex
19 area superintendents, deputy and assistant
20 superintendents, other certificated personnel, no
21 more than twenty noncertificated administrative,

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1 professional, and technical personnel not engaged
2 in instructional work;

3 (B) Effective July 1, 2003, teaching assistants,
4 educational assistants, bilingual/bicultural
5 school-home assistants, school psychologists,
6 psychological examiners, speech pathologists,
7 athletic health care trainers, alternative school
8 work study assistants, alternative school
9 educational/supportive services specialists,
10 alternative school project coordinators, and
11 communications aides in the department of
12 education;

13 (C) The special assistant to the state librarian and
14 one secretary for the special assistant to the
15 state librarian; and

16 (D) Members of the faculty of the University of
17 Hawaii, including research workers, extension
18 agents, personnel engaged in instructional work,
19 and administrative, professional, and technical
20 personnel of the university;

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

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1 their duties concurrently with their private business
2 or profession or other private employment and whose
3 duties require only a portion of their time, if it is
4 impracticable to ascertain or anticipate the portion
5 of time to be devoted to the service of the State;

6 (16) Positions of first deputies or first assistants of
7 each department head appointed under or in the manner
8 provided in section 6, article V, of the Hawaii State
9 Constitution; three additional deputies or assistants
10 either in charge of the highways, harbors, and
11 airports divisions or other functions within the
12 department of transportation as may be assigned by the
13 director of transportation, with the approval of the
14 governor; one additional deputy in the department of
15 human services either in charge of welfare or other
16 functions within the department as may be assigned by
17 the director of human services; four additional
18 deputies in the department of health, each in charge
19 of one of the following: behavioral health,
20 environmental health, hospitals, and health resources
21 administration, including other functions within the
22 department as may be assigned by the director of

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

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

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

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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;

21 (22) Positions of the federally funded expanded food and
22 nutrition program of the University of Hawaii that

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- 1 require the hiring of nutrition program assistants who
2 live in the areas they serve;
- 3 (23) Positions filled by persons with severe disabilities
4 who are certified by the state vocational
5 rehabilitation office that they are able to perform
6 safely the duties of the positions;
- 7 (24) The sheriff;
- 8 (25) A gender and other fairness coordinator hired by the
9 judiciary;
- 10 (26) Positions in the Hawaii National Guard youth and adult
11 education programs;
- 12 (27) In the state energy office in the department of
13 business, economic development, and tourism, all
14 energy program managers, energy program specialists,
15 energy program assistants, and energy analysts;
- 16 (28) Administrative appeals hearing officers in the
17 department of human services;
- 18 (29) In the Med-QUEST division of the department of human
19 services, the division administrator, finance officer,
20 health care services branch administrator, medical
21 director, and clinical standards administrator;

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- 1 (30) In the director's office of the department of human
2 services, the enterprise officer, information security
3 and privacy compliance officer, security and privacy
4 compliance engineer, security and privacy compliance
5 analyst, information technology implementation
6 manager, assistant information technology
7 implementation manager, resource manager,
8 community/project development director, policy
9 director, special assistant to the director, and
10 limited English proficiency project
11 manager/coordinator;
- 12 (31) The Alzheimer's disease and related dementia services
13 coordinator in the executive office on aging;
- 14 (32) In the Hawaii emergency management agency, the
15 executive officer, public information officer, civil
16 defense administrative officer, branch chiefs, and
17 emergency operations center state warning point
18 personnel; provided that for state warning point
19 personnel, the director shall determine that
20 recruitment through normal civil service recruitment
21 procedures would result in delay or noncompliance;

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1 (33) The executive director and seven full-time
2 administrative positions of the school facilities
3 authority;

4 (34) Positions in the Mauna Kea stewardship and oversight
5 authority;

6 (35) In the office of homeland security of the department
7 of law enforcement, the statewide interoperable
8 communications coordinator; and

9 [H] (36) [H] In the social services division of the department of
10 human services, the business technology analyst.

11 The director shall determine the applicability of this
12 section to specific positions.

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

15 SECTION 3. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.

18

19

INTRODUCED BY: _____



20

BY REQUEST

JAN 22 2024

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Report Title:

Hawaii State Public Library System; Civil Service; Exemptions

Description:

Permanently exempts an additional administrative assistant position in the Hawaii State Public Library System from civil service.

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

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JUSTIFICATION SHEET

DEPARTMENT: Hawaii State Public Library System

TITLE: A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM.

PURPOSE: To permanently exempt an additional administrative assistant position in the Hawaii State Public Library System (HSPLS) from civil service.

MEANS: Amend Section 76-16(b), Hawaii Revised Statutes (HRS).

JUSTIFICATION: Act 88, Session Laws of Hawaii 2021, created a new administrative assistant position in HSPLS. The new administrative assistant position was intended to be permanently exempt from civil service, similar to a pre-existing exempt administrative assistant position. The appropriate amendments to section 76-16(b), HRS, were not enacted at the time the new administrative assistant position was created.

Without the amendments to section 76-16(b), the HSPLS will have one administrative assistant position that is exempt from civil service requirements and one position that is not. This amendment is consistent with the intention that HSPLS have two exempt administrative assistants.

Impact on the public: None.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: EDN407.

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OTHER AFFECTED
AGENCIES:

Department of Human Resources Development.

EFFECTIVE DATE:

Upon approval.