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# 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 exempt an  
2 additional administrative assistant position in the Hawaii state  
3 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



1 certified that the service is special or unique or is  
2 essential to the public interest and that, because of  
3 circumstances surrounding its fulfillment, personnel  
4 to perform the service cannot be obtained through  
5 normal civil service recruitment procedures. Any  
6 [such] contract may be for any period not exceeding  
7 one year;

8 (3) Positions that must be filled without delay to comply  
9 with a court order or decree if the director  
10 determines that recruitment through normal recruitment  
11 civil service procedures would result in delay or  
12 noncompliance, such as the Felix-Cayetano consent  
13 decree;

14 (4) Positions filled by the legislature or by either house  
15 or any committee thereof;

16 (5) Employees in the office of the governor and office of  
17 the lieutenant governor, and household employees at  
18 Washington Place;

19 (6) Positions filled by popular vote;

20 (7) Department heads, officers, and members of any board,  
21 commission, or other state agency whose appointments



1 are made by the governor or are required by law to be  
2 confirmed by the senate;

3 (8) Judges, referees, receivers, masters, jurors, notaries  
4 public, land court examiners, court commissioners, and  
5 attorneys appointed by a state court for a special  
6 temporary service;

7 (9) One bailiff for the chief justice of the supreme court  
8 who shall have the powers and duties of a court  
9 officer and bailiff under section 606-14; one  
10 secretary or clerk for each justice of the supreme  
11 court, each judge of the intermediate appellate court,  
12 and each judge of the circuit court; one secretary for  
13 the judicial council; one deputy administrative  
14 director of the courts; three law clerks for the chief  
15 justice of the supreme court, two law clerks for each  
16 associate justice of the supreme court and each judge  
17 of the intermediate appellate court, one law clerk for  
18 each judge of the circuit court, two additional law  
19 clerks for the civil administrative judge of the  
20 circuit court of the first circuit, two additional law  
21 clerks for the criminal administrative judge of the



1 circuit court of the first circuit, one additional law  
2 clerk for the senior judge of the family court of the  
3 first circuit, two additional law clerks for the civil  
4 motions judge of the circuit court of the first  
5 circuit, two additional law clerks for the criminal  
6 motions judge of the circuit court of the first  
7 circuit, and two law clerks for the administrative  
8 judge of the district court of the first circuit; and  
9 one private secretary for the administrative director  
10 of the courts, the deputy administrative director of  
11 the courts, each department head, each deputy or first  
12 assistant, and each additional deputy, or assistant  
13 deputy, or assistant defined in paragraph (16);  
14 (10) First deputy and deputy attorneys general, the  
15 administrative services manager of the department of  
16 the attorney general, one secretary for the  
17 administrative services manager, an administrator and  
18 any support staff for the criminal and juvenile  
19 justice resources coordination functions, and law  
20 clerks;



1 (11) (A) Teachers, principals, vice-principals, complex  
2 area superintendents, deputy and assistant  
3 superintendents, other certificated personnel, no  
4 more than twenty noncertificated administrative,  
5 professional, and technical personnel not engaged  
6 in instructional work;

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

17 (C) The special assistant to the state librarian and  
18 one secretary for the special assistant to the  
19 state librarian; and

20 (D) Members of the faculty of the University of  
21 Hawaii, including research workers, extension



1 agents, personnel engaged in instructional work,  
2 and administrative, professional, and technical  
3 personnel of the university;

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

6 (13) (A) Positions filled by inmates, patients of state  
7 institutions, persons with severe physical or  
8 mental disabilities participating in the work  
9 experience training programs;

10 (B) Positions filled with students in accordance with  
11 guidelines for established state employment  
12 programs; and

13 (C) Positions that provide work experience training  
14 or temporary public service employment that are  
15 filled by persons entering the workforce or  
16 persons transitioning into other careers under  
17 programs such as the federal Workforce Investment  
18 Act of 1998, as amended, or the Senior Community  
19 Service Employment Program of the Employment and  
20 Training Administration of the United States



1 Department of Labor, or under other similar state  
2 programs;

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

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

12 (16) Positions of first deputies or first assistants of  
13 each department head appointed under or in the manner  
14 provided in section 6, article V, of the Hawaii State  
15 Constitution; three additional deputies or assistants  
16 either in charge of the highways, harbors, and  
17 airports divisions or other functions within the  
18 department of transportation as may be assigned by the  
19 director of transportation, with the approval of the  
20 governor; one additional deputy in the department of  
21 human services either in charge of welfare or other



1 functions within the department as may be assigned by  
2 the director of human services; four additional  
3 deputies in the department of health, each in charge  
4 of one of the following: behavioral health,  
5 environmental health, hospitals, and health resources  
6 administration, including other functions within the  
7 department as may be assigned by the director of  
8 health, with the approval of the governor; two  
9 additional deputies in charge of the law enforcement  
10 programs, administration, or other functions within  
11 the department of law enforcement as may be assigned  
12 by the director of law enforcement, with the approval  
13 of the governor; three additional deputies each in  
14 charge of the correctional institutions,  
15 rehabilitation services and programs, and  
16 administration or other functions within the  
17 department of corrections and rehabilitation as may be  
18 assigned by the director of corrections and  
19 rehabilitation, with the approval of the governor;  
20 [~~an~~] two administrative [~~assistant~~] assistants to the



1 state librarian; and an administrative assistant to  
2 the superintendent of education;

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

5 (A) Any exemption created after July 1, 2014, shall  
6 expire three years after its enactment unless  
7 affirmatively extended by an act of the  
8 legislature; and

9 (B) All of the positions defined by paragraph (9)  
10 shall be included in the position classification  
11 plan;

12 (18) Positions in the state foster grandparent program and  
13 positions for temporary employment of senior citizens  
14 in occupations in which there is a severe personnel  
15 shortage or in special projects;

16 (19) Household employees at the official residence of the  
17 president of the University of Hawaii;

18 (20) Employees in the department of education engaged in  
19 the supervision of students during meal periods in the  
20 distribution, collection, and counting of meal



- 1 tickets, and in the cleaning of classrooms after  
2 school hours on a less than half-time basis;
- 3 (21) Employees hired under the tenant hire program of the  
4 Hawaii public housing authority; provided that not  
5 more than twenty-six per cent of the authority's  
6 workforce in any housing project maintained or  
7 operated by the authority shall be hired under the  
8 tenant hire program;
- 9 (22) Positions of the federally funded expanded food and  
10 nutrition program of the University of Hawaii that  
11 require the hiring of nutrition program assistants who  
12 live in the areas they serve;
- 13 (23) Positions filled by persons with severe disabilities  
14 who are certified by the state vocational  
15 rehabilitation office that they are able to perform  
16 safely the duties of the positions;
- 17 (24) The sheriff;
- 18 (25) A gender and other fairness coordinator hired by the  
19 judiciary;
- 20 (26) Positions in the Hawaii National Guard youth and adult  
21 education programs;



1 (27) In the Hawaii state energy office in the department of  
2 business, economic development, and tourism, all  
3 energy program managers, energy program specialists,  
4 energy program assistants, and energy analysts;

5 (28) Administrative appeals hearing officers in the  
6 department of human services;

7 (29) In the Med-QUEST division of the department of human  
8 services, the division administrator, finance officer,  
9 health care services branch administrator, medical  
10 director, and clinical standards administrator;

11 (30) In the director's office of the department of human  
12 services, the enterprise officer, information security  
13 and privacy compliance officer, security and privacy  
14 compliance engineer, security and privacy compliance  
15 analyst, information technology implementation  
16 manager, assistant information technology  
17 implementation manager, resource manager,  
18 community/project development director, policy  
19 director, special assistant to the director, and  
20 limited English proficiency project  
21 manager/coordinator;



- 1           (31) The Alzheimer's disease and related dementia services
- 2                    coordinator in the executive office on aging;
- 3           (32) In the Hawaii emergency management agency, the
- 4                    executive officer, public information officer, civil
- 5                    defense administrative officer, branch chiefs, and
- 6                    emergency operations center state warning point
- 7                    personnel; provided that for state warning point
- 8                    personnel, the director shall determine that
- 9                    recruitment through normal civil service recruitment
- 10                  procedures would result in delay or noncompliance;
- 11          (33) The executive director and seven full-time
- 12                    administrative positions of the school facilities
- 13                    authority[-];
- 14          (34) Positions in the Mauna Kea stewardship and oversight
- 15                    authority;
- 16          (35) In the office of homeland security of the department
- 17                    of law enforcement, the statewide interoperable
- 18                    communications coordinator; and
- 19          (36) In the social services division of the department of
- 20                    human services, the business technology analyst.



1           The director shall determine the applicability of this  
2 section to specific positions.

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

5           SECTION 3. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

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



H.B. NO. 2399  
H.D. 1  
S.D. 1  
C.D. 1

**Report Title:**

Hawaii State Public Library System; Civil Service; Exemptions

**Description:**

Exempts an additional administrative assistant position in the Hawaii State Public Library System from civil service. (CD1)

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