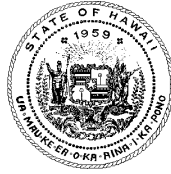


JOSH GREEN, M. D.
GOVERNOR
KE KIA'ĀINA

SYLVIA LUKE
LT. GOVERNOR
KA HOPE KIA'ĀINA



DEPT. COMM. NO. 190

BRENNA H. HASHIMOTO
DIRECTOR
KA LUNA HO'OKELE

RYAN YAMANE
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
KA 'OIHANA HO'OMŌHALA LIMAHANA
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

December 26, 2023

The Honorable Ronald D. Kouchi, President
and Members of the Senate
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Scott Saiki, Speaker
and Members of the House
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Saiki and Members of the Legislature:

For your information and consideration, I am transmitting herewith the 2023 Report of Positions Exempt from Civil Service (Act 300 SLH 2006).

In accordance with Section 93-16 Hawaii Revised Statutes, a copy of the report has been transmitted to the Legislative Reference Bureau Library, and the report may be viewed electronically at: <http://dhrd.hawaii.gov/reports/legislative-reports/>.

Sincerely,

A handwritten signature in black ink that reads "Brenna H. Hashimoto".

Brenna H. Hashimoto
Director

Attachment

REPORT TO THE 2024 LEGISLATURE
ON POSITIONS EXEMPTED FROM THE CIVIL SERVICE
AS REQUIRED BY ACT 300,
SESSION LAWS OF HAWAII 2006

Department of Human Resources Development
December 2023

Submitted by the Department of Human Resources Development
December 26, 2023

SUMMARY OF REPORT

Act 300, Session Laws of Hawaii (SLH) 2006, directs the Department of Human Resources Development (DHRD) to submit reports on exempt positions to the Legislature prior to each regular session.

Inasmuch as the Act establishes an ongoing annual reporting requirement, and to provide the Legislature with the most current data available, the period covered by each report is from November 1 through October 31 of the applicable year. This report complies with the reporting requirements and provides a status report on the efforts to implement Act 300 for the period November 1, 2022 through October 31, 2023.

During the current reporting period, twelve (12) exempt positions were replaced with civil service positions. Of the twelve:

- Five (5) positions were exempt from civil service based on section 76-16(b)(12), Hawaii Revised Statutes (HRS);
- Five (5) positions were exempt based on section 76-16(b)(17), HRS;
- One (1) position was exempt based on section 76-16(b)(19), HRS; and
- One (1) position was exempt based on section 76-16(b)(23), HRS.

BACKGROUND

Act 300, SLH 2006 was enacted to “comply with Act 253, SLH 2000.” The Act amended a number of statutory provisions that required positions to be exempt from civil service to allow discretion as to whether the positions should be civil service or exempt from civil service, and also directed DHRD and the Hawaii Government Employees Association (HGEA) “to work collaboratively to establish a logical, workable and fair process for converting positions in various departments, which are currently exempt from chapter 76, Hawaii Revised Statutes, to civil service positions.” The Act also granted rights to exempt employees who occupied the affected exempt positions for at least one year and requires DHRD to submit a report on the conversions of exempt positions to the Legislature prior to each regular session.

DHRD and the HGEA subsequently entered into a Letter of Understanding (LOU) dated March 17, 2011, regarding the identification of positions for conversion. The LOU, whose effective date ended December 31, 2013, sought to significantly increase the number of exempt positions identified for conversion to civil service in all departments of the Executive Branch, and required DHRD to identify exempt positions that may be converted to civil service. DHRD directed significant resources to the LOU to conduct a

comprehensive review of positions in all departments that are exempt from civil service based on sections 76-16(b)(12) and (17), HRS.

To further facilitate an increase in the number of exempt positions replaced with civil service positions, DHRD revised Policy No. 1000.002, Appointment of Exempt Employees to Replacement Civil Service Positions, effective November 30, 2011. The policy extends the Act 300, SLH 2006 process to all appropriate conversions.

ANNUAL REPORT ON THE NUMBER OF EXEMPT POSITIONS REPLACED WITH CIVIL SERVICE POSITIONS AND THE NUMBER OF EXEMPT POSITIONS REMAINING

Act 300 requires DHRD to submit an annual report to the legislature that includes the following information:

1. The number of exempt positions that were converted to civil service during the previous twelve months; and
2. The number of exempt positions remaining in each State department after the conversions.

For the exempt positions that were converted to civil service, the report must also indicate:

1. When the position was established;
2. The purpose of the position; and
3. The rationale for the conversion.

During the current reporting period, twelve (12) exempt positions were replaced with civil service positions. Of the twelve:

- Five (5) positions were exempt from civil service based on section 76-16(b)(12), Hawaii Revised Statutes (HRS);
- Five (5) positions were exempt based on section 76-16(b)(17), HRS;
- One (1) position was exempt based on section 76-16(b)(19), HRS; and
- One (1) position was exempt based on section 76-16(b)(23), HRS.

As of November 1, 2023, 2,897 exempt positions remain. Aloha Stadium event positions (1009), Student Helper and Student Intern positions (767), and Work Experience positions (2,191) are not included in the number of exempt positions remaining since such positions are not appropriate for conversion to civil service.

- Attachment 1 lists, by department, the exempt positions that were replaced with civil service positions within the reporting period.
- Attachment 2 provides a summary of the number of exempt positions that were replaced with civil service positions in each department.
- Attachment 3 provides the number of exempt positions remaining within each department, as of November 1, 2023, by the statutory basis for exemption.
- Attachment 4 reflects, by department, exempt positions that were identified for conversion to civil service where the incumbents elected to remain exempt pursuant to the applicable Policy No. 1000.002. These positions will be converted to civil service when the incumbents vacate the positions. For the period November 1, 2022 through October 31, 2023, no positions were reported in this category.

DATED: Honolulu, Hawaii, December 26, 2023

Respectfully submitted,

A handwritten signature in black ink that reads "Brenna H. Hashimoto". The signature is written in a cursive, flowing style.

Brenna H. Hashimoto, Director
Department of Human Resources Development

Attachments

**CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2022 - OCTOBER 31, 2023**

Department Attorney General

Department Attorney General							Subsection 17	Subsection 12		
Div	Exempt Pos No	Changed Pos No	CS Title	Purpose of Position	Establish Date	Date of Conversion	Subsection	Legal Authority	Project Title	Type of Project
CivilRecover	00043215	00043215	Office Assistant III	This position functions as part of the collections process and is assigned clerical and typing tasks, and may support other non-collection matters and other duties as assigned, including the notary office and asset forfeiture program.	6/29/2020	6/1/2023	23			

**CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2022 - OCTOBER 31, 2023**

Department of Budget and Finance								Subsection 17	Subsection 12	
Div	Exempt Pos No	Changed Pos No	CS Title	Purpose of Position	Establish Date	Date of Conversion	Subsection	Legal Authority	Project Title	Type of Project
HEUHlthBenTF	00023885	00023885	Program Specialist IV	The primary purpose of this position is to provide training services to EUTF staff and the department personnel and financial offices that are involved in the health and other benefit plan management process. This position conducts open enrollment sessions, active and retiree informational sessions, and special informational sessions where required. Another responsibility of this position is to conduct presentations at pre-retirement ad retirement counseling sessions. This position will support the privacy officer in carrying out the Health Insurance Portability and Accountability Act (HIPAA) of 1996.	4/16/2004	4/1/2023	17	HRS 87-A-24(4)		

**CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2022 - OCTOBER 31, 2023**

Department of Defense

Department of Defense								Subsection 17	Subsection 12	
Div	Exempt Pos No	Changed Pos No	CS Title	Purpose of Position	Establish Date	Date of Conversion	Subsection	Legal Authority	Project Title	Type of Project
ArmyNatlGard	00122038	00122038	Administrative Spclt IV	Personnel & Budget Specialist is responsible for providing in-depth personnel management and budgeting assistance to the Hawaii Army National Guard Division.	3/11/2016	4/1/2023	12		HIARNG CFAO AND RIPR	Special

CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2022 - OCTOBER 31, 2023

Department of Hawaiian Home Lands

Department of Hawaiian Home Lands								Subsection 17	Subsection 12	
Div	Exempt Pos No	Changed Pos No	CS Title	Purpose of Position	Establish Date	Date of Conversion	Subsection	Legal Authority	Project Title	Type of Project
LandMgtDiv	00100356	00100356	Land Agent V	Heads the Oahu-Kauai-Maui Section and is responsible for supervising and participating in a full range of professional land management work and personally performing the most complex land transaction assignments, involving acquisition, disposition, and management of income-generating and other lands and properties of the department.	2/2/1984	11/1/2022	17	Section 202(b), HHCA 1920		
LandMgtDiv	00102942	00102942	General Professional V	The purpose of the General Professional (GP) V position is to determine if lease violations are occurring and to protect DHHL property and assets from any unauthorized uses.	7/29/1993	11/1/2022	17	Section 202(b), HHCA 1920		
OfcOfChairmn	00102951	00102951	Project Manager II	The purpose of this position is to perform a variety of technical administrative support activities in the areas of project management, document and information management, and budget and procurement management for the division.	8/23/1995	11/1/2022	17	Section 202(b), HHCA 1920		

**CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2022 - OCTOBER 31, 2023**

Department of Hawaiian Home Lands

Department of Hawaiian Home Lands								Subsection 17	Subsection 12	
Div	Exempt Pos No	Changed Pos No	CS Title	Purpose of Position	Establish Date	Date of Conversion	Subsection	Legal Authority	Project Title	Type of Project
OfcOfChairmn	00113159	00113159	Departmental Program Officer	This position is responsible for monitoring compliance and the enforcement of DHHL rules and regulations, lease violations, and other illegal activities on Hawaiian home lands; investigates complaints from beneficiaries and the general public; maintain positive community engagement with homestead communities; provide advice and assistance to the Hawaiian Homes Commission and DHHL staff on laws, policies, rules and regulations relating to the implementation of the Hawaiian home lands program.	7/12/2022	7/1/2023	17	Section 202(b), HHCA 1920		

**CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2022 - OCTOBER 31, 2023**

Department of Human Services

Department of Human Services								Subsection 17	Subsection 12	
Div	Exempt Pos No	Changed Pos No	CS Title	Purpose of Position	Establish Date	Date of Conversion	Subsection	Legal Authority	Project Title	Type of Project
Med-QuestDiv	00108927	00108927	General Professional V	The Encounter Data Validation Spclt evaluates the accuracy, reliability, and completeness of the medical and dental encounter data submitted by the QUEST health plans.	8/3/1999	1/27/2023	12		Hawaii QUEST Demonstration Project	Demonstration

**CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2022 - OCTOBER 31, 2023**

Department of Health

Div	Exempt Pos No	Changed Pos No	CS Title	Purpose of Position	Establish Date	Date of Conversion	Subsection	Subsection 17	Subsection 12	
								Legal Authority	Project Title	Type of Project
BhavrHlthAd	00119507	00124489	Mental Health Specialist	Provides clinical leadership for CAMHD staff to increase the capacity of the Oahu system of care to provide effective mental health treatment to girls who have experienced trauma.	6/9/2010	11/7/2022	12		Behavioral Health Initiative	Special
DepDirOfHlth	00113093	00124491	Information Technology Band C	To provide leadership and management of this section in fulfilling required activities.	9/19/2002	11/2/2022	12		Behavioral Health Initiative	Special

**CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2022 - OCTOBER 31, 2023**

Department of Public Safety

Department of Public Safety								Subsection 17	Subsection 12	
Div	Exempt Pos No	Changed Pos No	CS Title	Purpose of Position	Establish Date	Date of Conversion	Subsection	Legal Authority	Project Title	Type of Project
DepDirCorr	00124196	00124196	Corrections Prgm Spclt II	Program Coordinator (SAVIN): The position furthers the development, implementation and maintenance of the system which includes: procurement of the SAVIN vendor contract, contract management, and monitoring the functionality and effectiveness of the system.	12/21/2021	1/5/2023	12		Statewide Automated Victim Information and Notification (SAVIN)	Special

**CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2022 - OCTOBER 31, 2023**

Department University of Hawaii

Department University of Hawaii								Subsection 17	Subsection 12	
Div	Exempt Pos No	Changed Pos No	CS Title	Purpose of Position	Establish Date	Date of Conversion	Subsection	Legal Authority	Project Title	Type of Project
Admin	00100899	00100899	Janitor II	To perform routine manual work in the cleaning and maintenance of assigned UH Manoa building areas; and to perform other related duties as assigned.	8/11/1975	4/1/2023	19			

**Summary of Converted Positions [Exempt to Civil Service]
November 1, 2022 - October 31, 2023**

	AGR	AGS	ATG	BED	BUF	CCA	DEF	GOV	HHL	HMS	HRD	HTH	LAW	LBR	LIB	LNR	LTG	PSD	TAX	TRN	UOH	TOTALS
Positions - Subsection 12 ¹	1	1	10	14	14		115			33		194		11				16		20		429
Replaced with Civil Service ²							1			1		2						1				5
Remain Exempt ³	1	1	10	14	14	0	114	0	0	32	0	192	0	11	0	0	0	15	0	20	0	424
Positions - Subsection 17 ¹	22	110	14	141	152	233	14	1	87	63		111		48	2	94		79	33	9		1213
Replaced with Civil Service ²					1				4													5
Remain Exempt ³	22	110	14	141	151	233	14	1	83	63	0	111	0	48	2	94	0	79	33	9	0	1208
Positions - Subsection 19 ¹																					1	1
Replaced with Civil Service ²																					1	1
Remain Exempt ³	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Positions - Subsection 23 ¹			1																	4	1	6
Replaced with Civil Service ²			1																			1
Remain Exempt ³	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	1	5
Total Converted Positions	0	0	1	0	1	0	1	0	4	1	0	2	0	0	0	0	0	1	0	0	1	12

Notes:

Effective 7/1/2005, DOE (except LIB (public libraries) is not included in the report pursuant to Act 51, 2004.

Aloha Stadium event positions are not included in count for BED subsection 17.

Footnotes:

¹Number of positions from Report to the 2022 Legislature, Attachment 3.

²Number of positions converted between November 1, 2022 - October 31, 2023.

³Number of positions that remain exempt. Number does not include abolished or new positions.

Summary of Exempt Positions by HR 76-16(b) Subsections and Department

Subsection	AGR	AGS	ATG	BED	BUF	CCA	DEF	GOV	HHL	HMS	HRD	HTH	LAW	LBR	LIB	LNR	LTG	PSD	TAX	TRN	UOH	Total	
1							15															15	
3												2											2
4			4																				4
5		3						52									16						71
6								1									1						2
7	1	3	1	1	1	2	1		1	1	1	3		7		1		6	4	4			38
9	2	2	2	2	2	2	2		2	3	2	5	3	2		3		4	2	5	15		60
10			273										3										276
11															2								2
12		14	3	18	14		90			36	11	214		206				23			34		663
14																1							1
15												4									15	203	222
16	1	1		1	1	1	1		1	2	1	4		1	1	1			1	4			22
17	8	116	14	173	151	243	26	1	80	66		116		56	2	99		79	30	14			1274
21										40													40
22																					3	1	4
23																		1					1
24																							102
26							102																102
27				37																			37
28										4													4
29										5													5
30										5													5
31												1											1
32							20																20
35							1																1
Total	12	139	297	232	169	248	258	54	84	162	15	349	6	272	5	105	17	113	37	79	244		2897

Notes:

HRMS data as of 11/1/23

The following positions are not included in the counts:

- 1009 Aloha Stadium event positions
- 767 Student Helper & Student Intern positions
- 2191 Work Experience positions

**Exempt positions identified for Replacement with Civil Service Positions but Employees Elected to Remain Exempt
November 1, 2022 - October 31, 2023**

No positions remained exempt due to employee election.