

JAN 19 2024

A BILL FOR AN ACT

RELATING TO CIVIL SERVICE.

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

1 SECTION 1. Section 76-16, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

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

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

13 (2) Positions filled by persons employed by contract where
14 the director of human resources development has
15 certified that the service is special or unique or is
16 essential to the public interest and that, because of
17 circumstances surrounding its fulfillment, personnel



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



1 attorneys appointed by a state court for a special
2 temporary service;

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



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

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

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



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;



- 1 (12) Employees engaged in special, research, or
- 2 demonstration projects approved by the governor;
- 3 (13) (A) Positions filled by inmates, patients of state
- 4 institutions, persons with severe physical or
- 5 mental disabilities participating in the work
- 6 experience training programs;
- 7 (B) Positions filled with students in accordance with
- 8 guidelines for established state employment
- 9 programs; and
- 10 (C) Positions that provide work experience training
- 11 or temporary public service employment that are
- 12 filled by persons entering the workforce or
- 13 persons transitioning into other careers under
- 14 programs such as the federal Workforce Investment
- 15 Act of 1998, as amended, or the Senior Community
- 16 Service Employment Program of the Employment and
- 17 Training Administration of the United States
- 18 Department of Labor, or under other similar state
- 19 programs;
- 20 (14) A custodian or guide at Iolani Palace, the Royal
- 21 Mausoleum, and Hulihee Palace;



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

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



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

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



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

5 (B) All of the positions defined by paragraph (9)
6 shall be included in the position classification
7 plan;

8 (18) Positions in the state foster grandparent program and
9 positions for temporary employment of senior citizens
10 in occupations in which there is a severe personnel
11 shortage or in special projects;

12 (19) Household employees at the official residence of the
13 president of the [~~University~~] university of Hawaii[+]]
14 and employees performing services in university of
15 Hawaii student or employee housing;

16 (20) Employees in the department of education engaged in
17 the supervision of students during meal periods in the
18 distribution, collection, and counting of meal
19 tickets, and in the cleaning of classrooms after
20 school hours on a less than half-time basis;



1 (21) Employees hired under the tenant hire program of the
2 Hawaii public housing authority; provided that not
3 more than twenty-six per cent of the authority's
4 workforce in any housing project maintained or
5 operated by the authority shall be hired under the
6 tenant hire program;

7 (22) Positions of the federally funded expanded food and
8 nutrition program of the University of Hawaii that
9 require the hiring of nutrition program assistants who
10 live in the areas they serve;

11 (23) Positions filled by persons with severe disabilities
12 who are certified by the state vocational
13 rehabilitation office that they are able to perform
14 safely the duties of the positions;

15 (24) The sheriff;

16 (25) A gender and other fairness coordinator hired by the
17 judiciary;

18 (26) Positions in the Hawaii National Guard youth and adult
19 education programs;

20 (27) In the state energy office in the department of
21 business, economic development, and tourism, all



- 1 energy program managers, energy program specialists,
2 energy program assistants, and energy analysts;
- 3 (28) Administrative appeals hearing officers in the
4 department of human services;
- 5 (29) In the Med-QUEST division of the department of human
6 services, the division administrator, finance officer,
7 health care services branch administrator, medical
8 director, and clinical standards administrator;
- 9 (30) In the director's office of the department of human
10 services, the enterprise officer, information security
11 and privacy compliance officer, security and privacy
12 compliance engineer, security and privacy compliance
13 analyst, information technology implementation
14 manager, assistant information technology
15 implementation manager, resource manager,
16 community/project development director, policy
17 director, special assistant to the director, and
18 limited English proficiency project
19 manager/coordinator;
- 20 (31) The Alzheimer's disease and related dementia services
21 coordinator in the executive office on aging;



1 (32) In the Hawaii emergency management agency, the
2 executive officer, public information officer, civil
3 defense administrative officer, branch chiefs, and
4 emergency operations center state warning point
5 personnel; provided that for state warning point
6 personnel, the director shall determine that
7 recruitment through normal civil service recruitment
8 procedures would result in delay or noncompliance;

9 (33) The executive director and seven full-time
10 administrative positions of the school facilities
11 authority;

12 (34) Positions in the Mauna Kea stewardship and oversight
13 authority;

14 (35) In the office of homeland security of the department
15 of law enforcement, the statewide interoperable
16 communications coordinator; [~~and~~]

17 (36) In the social services division of the department of
18 human services, the business technology analyst[-];
19 and

S.B. NO. 2507

Report Title:

Civil Service; Exemptions; UH; Housing; Personal Services

Description:

Excludes from civil service requirements employees performing services in University of Hawaii student or employee housing and certain personal services in privately financed leased or owned buildings.

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

