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

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

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(C) Positions that provide work experience training or temporary public service employment that are filled by persons entering the workforce or persons transitioning into other careers under programs such as the federal Workforce Investment Act of 1998, as amended, or the Senior Community Service Employment Program of the Employment and Training Administration of the United States Department of Labor, or under other similar state programs;

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

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(15) Positions filled by persons employed on a fee, contract, or piecework basis, who may lawfully perform

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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 [†] (36) [†] 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."

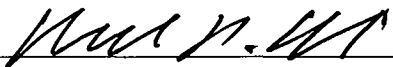
15 SECTION 3. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:



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BY REQUEST

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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.*

JUSTIFICATION SHEET

**SB. NO. 3088**

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.