
A BILL FOR AN ACT

RELATING TO THE HAWAII EMERGENCY MANAGEMENT AGENCY.

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

1 SECTION 1. The legislature finds that there continues to
2 be an insufficient number of Hawaii emergency management agency
3 staff and applicants to fill critical position vacancies with
4 trained, experienced, and qualified personnel. Exempting key
5 positions of the agency from civil service will create
6 conditions for a responsive, flexible, and aggressive hiring
7 system that will expedite the filling of these critical
8 positions, as well as improving competitive recruiting and
9 retention of qualified and experienced emergency management
10 professionals.

11 The purpose of this Act is to convert the emergency
12 management specialist series positions at level V and higher in
13 the Hawaii emergency management agency from civil service status
14 to exempt status.

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



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

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

10 (2) Positions filled by persons employed by contract where
11 the director of human resources development has
12 certified that the service is special or unique or is
13 essential to the public interest and that, because of
14 circumstances surrounding its fulfillment, personnel
15 to perform the service cannot be obtained through
16 normal civil service recruitment procedures. Any
17 contract may be for any period not exceeding one year;

18 (3) Positions that must be filled without delay to comply
19 with a court order or decree if the director
20 determines that recruitment through normal recruitment
21 civil service procedures would result in delay or



1 noncompliance, such as the Felix-Cayetano consent
2 decree;

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

5 (5) Employees in the office of the governor and office of
6 the lieutenant governor, and household employees at
7 Washington Place;

8 (6) Positions filled by popular vote;

9 (7) Department heads, officers, and members of any board,
10 commission, or other state agency whose appointments
11 are made by the governor or are required by law to be
12 confirmed by the senate;

13 (8) Judges, referees, receivers, masters, jurors, notaries
14 public, land court examiners, court commissioners, and
15 attorneys appointed by a state court for a special
16 temporary service;

17 (9) One bailiff for the chief justice of the supreme court
18 who shall have the powers and duties of a court
19 officer and bailiff under section 606-14; one
20 secretary or clerk for each justice of the supreme
21 court, each judge of the intermediate appellate court,



1 and each judge of the circuit court; one secretary for
2 the judicial council; one deputy administrative
3 director of the courts; three law clerks for the chief
4 justice of the supreme court, two law clerks for each
5 associate justice of the supreme court and each judge
6 of the intermediate appellate court, one law clerk for
7 each judge of the circuit court, two additional law
8 clerks for the civil administrative judge of the
9 circuit court of the first circuit, two additional law
10 clerks for the criminal administrative judge of the
11 circuit court of the first circuit, one additional law
12 clerk for the senior judge of the family court of the
13 first circuit, two additional law clerks for the civil
14 motions judge of the circuit court of the first
15 circuit, two additional law clerks for the criminal
16 motions judge of the circuit court of the first
17 circuit, and two law clerks for the administrative
18 judge of the district court of the first circuit; and
19 one private secretary for the administrative director
20 of the courts, the deputy administrative director of
21 the courts, each department head, each deputy or first



1 assistant, and each additional deputy, or assistant
2 deputy, or assistant defined in paragraph (16);
3 (10) First deputy and deputy attorneys general, the
4 administrative services manager of the department of
5 the attorney general, one secretary for the
6 administrative services manager, an administrator and
7 any support staff for the criminal and juvenile
8 justice resources coordination functions, and law
9 clerks;
10 (11) (A) Teachers, principals, vice-principals, complex
11 area superintendents, deputy and assistant
12 superintendents, other certificated personnel,
13 and no more than twenty noncertificated
14 administrative, professional, and technical
15 personnel not engaged in instructional work;
16 (B) Effective July 1, 2003, teaching assistants,
17 educational assistants, bilingual or bicultural
18 school-home assistants, school psychologists,
19 psychological examiners, speech pathologists,
20 athletic health care trainers, alternative school
21 work study assistants, alternative school



1 educational or supportive services specialists,
2 alternative school project coordinators, and
3 communications aides in the department of
4 education;

5 (C) The special assistant to the state librarian and
6 one secretary for the special assistant to the
7 state librarian; and

8 (D) Members of the faculty of the [~~University~~]
9 university of Hawaii, including research workers,
10 extension agents, personnel engaged in
11 instructional work, and administrative,
12 professional, and technical personnel of the
13 university;

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

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



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

(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;

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

(15) Positions filled by persons employed on a fee, contract, or piecework basis, who may lawfully perform their duties concurrently with their private business or profession or other private employment and whose duties require only a portion of their time, if it is



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



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

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

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



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~~] 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 no more
17 than twenty-six per cent of the authority's workforce
18 in any housing project maintained or operated by the
19 authority shall be hired under the tenant hire
20 program;



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



1 health care services branch administrator, medical
2 director, and clinical standards administrator;

3 (30) In the director's office of the department of human
4 services, the enterprise officer, information security
5 and privacy compliance officer, security and privacy
6 compliance engineer, security and privacy compliance
7 analyst, information technology implementation
8 manager, assistant information technology
9 implementation manager, resource manager, community or
10 project development director, policy director, special
11 assistant to the director, and limited English
12 proficiency project manager or coordinator;

13 (31) The Alzheimer's disease and related dementia services
14 coordinator in the executive office on aging;

15 (32) In the Hawaii emergency management agency, the
16 executive officer, public information officer, civil
17 defense administrative officer, branch chiefs,
18 positions in the emergency management specialist
19 series at level V and higher, and emergency operations
20 center state warning point personnel; provided that
21 for state warning point personnel, the director shall



1 determine that recruitment through normal civil
2 service recruitment procedures would result in delay
3 or noncompliance;

4 (33) The executive director and seven full-time
5 administrative positions of the school facilities
6 authority;

7 (34) Positions in the Mauna Kea stewardship and oversight
8 authority;

9 (35) In the office of homeland security of the department
10 of law enforcement, the statewide interoperable
11 communications coordinator;

12 (36) In the social services division of the department of
13 human services, the business technology analyst;

14 (37) The executive director and staff of the 911 board;

15 [+] (38) [+] Senior software developers in the department of
16 taxation;

17 [+] (39) [+] In the department of law enforcement, five
18 Commission on Accreditation for Law Enforcement
19 Agencies, Inc., coordinator positions;

20 [+] (40) [+] The state fire marshal; and



1 [+] (41) [+] The administrator for the law enforcement standards
2 board.

3 The director shall determine the applicability of this
4 section to specific positions.

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

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Hawaii Emergency Management Agency; Civil Service; Exempt
Positions

Description:

Converts the Emergency Management Specialist series positions at
level V and higher in the Hawaii Emergency Management Agency
from civil service status to exempt status. Effective 7/1/3000.
(HD1)

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not legislation or evidence of legislative intent.*

