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# A BILL FOR AN ACT

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RELATING TO QUALIFIED COMMUNITY REHABILITATION PROGRAMS.

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

1       SECTION 1. Section 76-77, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       "**§76-77 Civil service and exemptions.** The civil service  
4 to which this part applies comprises all positions in the public  
5 service of each county, now existing or hereafter established,  
6 and embraces all personal services performed for each county,  
7 except the following:

8       (1) Positions in the office of the mayor; provided that  
9       the positions shall be included in the classification  
10       systems;

11       (2) Positions of officers elected by public vote,  
12       positions of heads of departments, and positions of  
13       one first deputy or first assistant of heads of  
14       departments;

15       (3) Positions of deputy county attorneys, deputy  
16       corporation counsel, deputy prosecuting attorneys, and  
17       law clerks;



- 1           (4) Positions of members of any board, commission, or  
2           agency;
- 3           (5) Positions filled by students; positions filled through  
4           federally funded programs [~~which~~] that provide  
5           temporary public service employment such as the  
6           federal Comprehensive Employment and Training Act of  
7           1973; and employees engaged in special research or  
8           demonstration projects approved by the mayor, for  
9           which projects federal funds are available;
- 10          (6) Positions of district judges, jurors, and witnesses;
- 11          (7) Positions filled by persons employed by contract where  
12          the personnel director has certified that the service  
13          is special or unique, is essential to the public  
14          interest, and that because of the circumstances  
15          surrounding its fulfillment, personnel to perform the  
16          service cannot be recruited through normal civil  
17          service procedures; provided that no contract pursuant  
18          to this paragraph shall be for any period exceeding  
19          one year;
- 20          (8) Positions of a temporary nature needed in the public  
21          interest where the need does not exceed ninety days;



1 provided that before any person may be employed to  
2 render temporary service pursuant to this paragraph,  
3 the director shall certify that the service is of a  
4 temporary nature and that recruitment through normal  
5 civil service recruitment procedures is not  
6 practicable; and provided further that the employment  
7 of any person pursuant to this paragraph may be  
8 extended for good cause for an additional period not  
9 to exceed ninety days upon similar certification by  
10 the director;

11 (9) Positions of temporary election clerks in the office  
12 of the county clerk employed during election periods;

13 (10) Positions specifically exempted from this part by any  
14 other state statutes;

15 (11) Positions of one private secretary for each department  
16 head; provided that the positions shall be included in  
17 the classification systems;

18 (12) Positions filled by persons employed on a fee,  
19 contract, or piecework basis who may lawfully perform  
20 their duties concurrently with their private business  
21 or profession or other private employment, if any, and



1           whose duties require only a portion of their time,  
2           where it is impracticable to ascertain or anticipate  
3           the portion of time devoted to the service of the  
4           county and that fact is certified by the director;

5       (13) Positions filled by persons with a severe disability  
6           who are certified by the state vocational  
7           rehabilitation office as able to safely perform the  
8           duties of the positions;

9       (14) Positions of the housing and community development  
10          office or department of each county; provided that  
11          this exemption shall not preclude each county from  
12          establishing these positions as civil service  
13          positions;

14       (15) The following positions in the office of the  
15          prosecuting attorney: private secretary to the  
16          prosecuting attorney, secretary to the first deputy  
17          prosecuting attorney, and administrative or executive  
18          assistants to the prosecuting attorney; provided that  
19          the positions shall be included in the classification  
20          systems; and



1       (16) Positions or contracts for personal services with  
2       private persons or entities for services lasting no  
3       ~~[more]~~ longer than one year and at a cost of no more  
4       than \$750,000; provided that the exemption under this  
5       paragraph shall apply to contracts for building,  
6       custodial, and grounds maintenance services with  
7       qualified community rehabilitation programs, as  
8       defined in section 103D-1001, lasting for no ~~[more]~~  
9       longer than a year and at a cost of no more than  
10      \$850,000~~[-]~~ in the aggregate per private person or  
11      entity, regardless of the number of contracts or  
12      qualified community rehabilitation programs utilized  
13      for the personal service.

14       The director shall determine the applicability of this  
15      section to specific positions and shall determine whether or not  
16      positions exempted by paragraphs (7) and (8) shall be included  
17      in the classification systems.

18       Nothing in this section shall be deemed to affect the civil  
19      service status of any incumbent private secretary of a  
20      department head who held that position on May 7, 1977."



1       SECTION 2. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

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

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



**Report Title:**

Civil Service; Exemptions; Contracts; Qualified Community  
Rehabilitation Programs

**Description:**

Clarifies that the civil service exemption for personal service contracts for building, custodial, and grounds maintenance services with qualified community rehabilitation programs shall not cost more than \$850,000 in the aggregate per private person or entity, regardless of the number of contracts or qualified community rehabilitation program utilized for the personal service. Effective 7/1/3000. (HD1)

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

