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# A BILL FOR AN ACT

RELATING TO EXEMPTIONS FROM CIVIL SERVICE FOR CERTAIN POSITIONS  
IN THE DEPARTMENT OF HEALTH.

**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 and positions in the Hawaii National  
9 Guard that are required by state or federal laws or  
10 regulations or orders of the National Guard to be  
11 filled from those commissioned or enlisted personnel;

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



- 1 to perform the service cannot be obtained through  
2 normal civil service recruitment procedures. Any  
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,  
20 and no more than twenty noncertificated



- 1 administrative, professional, and technical  
2 personnel not engaged in instructional work;
- 3 (B) Effective July 1, 2003, teaching assistants,  
4 educational assistants, bilingual or 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 or 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]  
17 university of Hawaii, including research workers,  
18 extension agents, personnel engaged in  
19 instructional work, and administrative,  
20 professional, and technical personnel of the  
21 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, and 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; two  
16 administrative assistants 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:





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

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

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

(19) Household employees at the official residence of the president of the [University] university of Hawaii;

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

(21) Employees hired under the tenant hire program of the Hawaii public housing authority; provided that no more than twenty-six per cent of the authority's workforce



1 in any housing project maintained or operated by the  
2 authority shall be hired under the tenant hire  
3 program;

4 (22) Positions of the federally funded expanded food and  
5 nutrition program of the [University] university of  
6 Hawaii that require the hiring of nutrition program  
7 assistants who live in the areas they serve;

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

12 (24) The sheriff;

13 (25) A gender and other fairness coordinator hired by the  
14 judiciary;

15 (26) Positions in the Hawaii National Guard youth and adult  
16 education programs;

17 (27) In the Hawaii state energy office in the department of  
18 business, economic development, and tourism, all  
19 energy program managers, energy program specialists,  
20 energy program assistants, and energy analysts;



1 (28) Administrative appeals hearing officers in the  
2 department of human services;

3 (29) In the Med-QUEST division of the department of human  
4 services, the division administrator, finance officer,  
5 health care services branch administrator, medical  
6 director, and clinical standards administrator;

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

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

19 (32) In the Hawaii emergency management agency, the  
20 executive officer, public information officer, civil  
21 defense administrative officer, branch chiefs, and



1 emergency operations center state warning point  
2 personnel; provided that for state warning point  
3 personnel, the director shall determine that  
4 recruitment through normal civil service recruitment  
5 procedures would result in delay or noncompliance;

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

9 (34) Positions in the Mauna Kea stewardship and oversight  
10 authority;

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

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

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

17 [+] (38) [+] Senior software developers in the department of  
18 taxation;

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



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

+] (41) [+] The administrator for the law enforcement standards  
board[-];

(42) In the department of health, the public information  
officer in the office of the director of health, the  
federal initiatives operations coordinator in the  
developmental disabilities division, and two medical  
directors in the emergency medical services and injury  
prevention system branch; and

(43) In the Hawaii state hospital, five associate  
administrators and two project managers.

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

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

SECTION 2. Section 334-4, Hawaii Revised Statutes, is  
amended to read as follows:

"§334-4 Personnel for mental health program. The director  
shall appoint professional and nonprofessional staff as the  
director deems necessary to carry out the state mental health  
program and for which appropriations are available. Positions



1 for psychiatrists are exempted from chapter 76. The director  
2 may employ psychiatrists as needed by the department on a  
3 contractual basis, subject to the approval of the governor. The  
4 director may appoint an administrator, [~~three~~] five associate  
5 administrators, a director of psychosocial rehabilitation, a  
6 chief of the department of nursing, a risk manager, a patients'  
7 rights advisor, two project managers, and a facilities plant  
8 engineer for the state hospital or a secure psychiatric  
9 rehabilitation facility established pursuant to this chapter and  
10 these positions shall be exempt from chapter 76."

11 SECTION 3. The department of health shall submit a report  
12 of its findings and recommendations, including any proposed  
13 legislation and a performance audit of all positions exempted  
14 from civil service pursuant to this Act, to the legislature no  
15 later than twenty days prior to the convening of the regular  
16 session of 2027.

17 SECTION 4. Statutory material to be repealed in bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect upon its approval.



**Report Title:**

DOH; Office of the Director of Health; Developmental Disabilities Division; Emergency Medical Services and Injury Prevention System Branch; Hawaii State Hospital; Civil Service; Exemptions; Report

**Description:**

Exempts certain positions in the Department of Health, including the Hawaii State Hospital, from civil service. Requires a report to the Legislature. (SD1)

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

