

JAN 16 2025

A BILL FOR AN ACT

RELATING TO THE DEPUTY DIRECTOR OF HIGHWAYS OF THE DEPARTMENT OF
TRANSPORTATION.

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 The contract may be for any period not exceeding one
4 year;

5 (3) Positions that must be filled without delay to comply
6 with a court order or decree if the director
7 determines that recruitment through normal recruitment
8 civil service procedures would result in delay or
9 noncompliance, such as the Felix-Cayetano consent
10 decree;

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

13 (5) Employees in the office of the governor and office of
14 the lieutenant governor, and household employees at
15 Washington Place;

16 (6) Positions filled by popular vote;

17 (7) Department heads, officers, and members of any board,
18 commission, or other state agency whose appointments
19 are made by the governor or are required by law to be
20 confirmed by the senate;



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



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

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

19 (11) (A) Teachers, principals, vice-principals, complex
20 area superintendents, deputy and assistant
21 superintendents, other certificated personnel,



1 and [nə] not more than twenty noncertificated
2 administrative, professional, and technical
3 personnel not engaged in instructional work;

4 (B) Effective July 1, 2003, teaching assistants,
5 educational assistants, bilingual or bicultural
6 school-home assistants, school psychologists,
7 psychological examiners, speech pathologists,
8 athletic health care trainers, alternative school
9 work study assistants, alternative school
10 educational or supportive services specialists,
11 alternative school project coordinators, and
12 communications aides in the department of
13 education;

14 (C) The special assistant to the state librarian and
15 one secretary for the special assistant to the
16 state librarian; and

17 (D) Members of the faculty of the University of
18 Hawaii, including research workers, extension
19 agents, personnel engaged in instructional work,
20 and administrative, professional, and technical
21 personnel of the university;



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

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



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; provided that the deputy director of
17 highways shall be subject to the advice and consent of
18 the senate; one additional deputy in the department of
19 human services either in charge of welfare or other
20 functions within the department as may be assigned by
21 the director of human services; four additional



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



(17) Positions specifically exempted from this part by any 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 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;



1 (21) Employees hired under the tenant hire program of the
2 Hawaii public housing authority; provided that [æ]
3 not 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 Hawaii 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, community or
16 project development director, policy director, special
17 assistant to the director, and limited English
18 proficiency project manager or coordinator;

19 (31) The Alzheimer's disease and related dementia services
20 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;

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

19 (37) Senior software developers in the department of
20 taxation;

21 (38) The executive director and staff of the 911 board;



(39) In the department of law enforcement, five Commission
on Accreditation for Law Enforcement Agencies, Inc.,
coordinator positions;

(40) The administrator for the law enforcement standards
board; and

(41) The state fire marshal.

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. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

Kal Rhoads



S.B. NO. 459

Report Title:

DOT; Deputy Director of Highways; Advice and Consent

Description:

Requires the Deputy Director of Highways of the Department of Transportation to be subject to the advice and consent of the Senate.

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