
A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL.

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

1 SECTION 1. Section 28-10.5, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) The attorney general may employ, without regard to
4 chapter 76, and at pleasure dismiss, an administrator to oversee
5 and carry out the resource coordination functions of the
6 department set forth in subsection (a). In addition, the
7 attorney general may employ, [~~in accordance with~~] without regard
8 to chapter 76, other support staff necessary for the performance
9 of the resource coordination functions."

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

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

16 (1) Commissioned and enlisted personnel of the Hawaii
17 National Guard and positions in the Hawaii National



- 1 Guard that are required by state or federal laws or
2 regulations or orders of the National Guard to be
3 filled from those commissioned or enlisted personnel;
- 4 (2) Positions filled by persons employed by contract where
5 the director of human resources development has
6 certified that the service is special or unique or is
7 essential to the public interest and that, because of
8 circumstances surrounding its fulfillment, personnel
9 to perform the service cannot be obtained through
10 normal civil service recruitment procedures. Any
11 contract may be for any period not exceeding one year;
- 12 (3) Positions that must be filled without delay to comply
13 with a court order or decree if the director
14 determines that recruitment through normal recruitment
15 civil service procedures would result in delay or
16 noncompliance, such as the Felix-Cayetano consent
17 decree;
- 18 (4) Positions filled by the legislature or by either house
19 or any committee thereof;



- 1 (5) Employees in the office of the governor and office of
2 the lieutenant governor, and household employees at
3 Washington Place;
- 4 (6) Positions filled by popular vote;
- 5 (7) Department heads, officers, and members of any board,
6 commission, or other state agency whose appointments
7 are made by the governor or are required by law to be
8 confirmed by the senate;
- 9 (8) Judges, referees, receivers, masters, jurors, notaries
10 public, land court examiners, court commissioners, and
11 attorneys appointed by a state court for a special
12 temporary service;
- 13 (9) One bailiff for the chief justice of the supreme court
14 who shall have the powers and duties of a court
15 officer and bailiff under section 606-14; one
16 secretary or clerk for each justice of the supreme
17 court, each judge of the intermediate appellate court,
18 and each judge of the circuit court; one secretary for
19 the judicial council; one deputy administrative
20 director of the courts; three law clerks for the chief
21 justice of the supreme court, two law clerks for each



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

20 (10) [~~First~~] In the department of the attorney general,
21 first deputy and deputy attorneys general, the



1 administrative services manager of the department of
2 the attorney general, one secretary for the
3 administrative services manager, an administrator and
4 any support staff for the criminal and juvenile
5 justice resources coordination functions, [~~and~~] law
6 clerks[~~+~~], forensic analysts, special agents of the
7 special investigation and prosecution division, a
8 litigation secretary and a litigation assistant of the
9 complex litigation division, and the charities
10 administrator;

11 (11) (A) Teachers, principals, vice-principals, complex
12 area superintendents, deputy and assistant
13 superintendents, other certificated personnel,
14 and no more than twenty noncertificated
15 administrative, professional, and technical
16 personnel not engaged in instructional work;

17 (B) Effective July 1, 2003, teaching assistants,
18 educational assistants, bilingual or bicultural
19 school-home assistants, school psychologists,
20 psychological examiners, speech pathologists,
21 athletic health care trainers, alternative school



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

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

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



- 1 (B) Positions filled with students in accordance with
- 2 guidelines for established state employment
- 3 programs; and
- 4 (C) Positions that provide work experience training
- 5 or temporary public service employment that are
- 6 filled by persons entering the workforce or
- 7 persons transitioning into other careers under
- 8 programs such as the federal Workforce Investment
- 9 Act of 1998, as amended, or the Senior Community
- 10 Service Employment Program of the Employment and
- 11 Training Administration of the United States
- 12 Department of Labor, or under other similar state
- 13 programs;
- 14 (14) A custodian or guide at Iolani Palace, the Royal
- 15 Mausoleum, and Hulihee Palace;
- 16 (15) Positions filled by persons employed on a fee,
- 17 contract, or piecework basis, who may lawfully perform
- 18 their duties concurrently with their private business
- 19 or profession or other private employment and whose
- 20 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 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 of Hawaii that
3 require the hiring of nutrition program assistants who
4 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, and
18 emergency operations center state warning point
19 personnel; provided that for state warning point
20 personnel, the director shall determine that



- 1 recruitment through normal civil service recruitment
2 procedures would result in delay or noncompliance;
- 3 (33) The executive director and seven full-time
4 administrative positions of the school facilities
5 authority;
- 6 (34) Positions in the Mauna Kea stewardship and oversight
7 authority;
- 8 (35) In the office of homeland security of the department
9 of law enforcement, the statewide interoperable
10 communications coordinator;
- 11 (36) In the social services division of the department of
12 human services, the business technology analyst;
- 13 (37) The executive director and staff of the 911 board;
- 14 (38) The software developer supervisor and senior software
15 developers in the department of taxation;
- 16 (39) In the department of law enforcement, five Commission
17 on Accreditation for Law Enforcement Agencies, Inc.,
18 coordinator positions;
- 19 (40) The state fire marshal and deputy state fire marshal
20 in the office of the state fire marshal;



1 (41) The administrator for the law enforcement standards
2 board;

3 (42) In the office of the director of taxation, the data
4 privacy officer and tax business analysts; [~~and~~

5 ~~]~~ (43) ~~[~~] All positions filled by the Hawaii tourism authority
6 within the department of business, economic
7 development, and tourism~~[~~]; and

8 (44) The oversight coordinator and staff of the Hawaii
9 correctional system oversight commission.

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

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

14 SECTION 3. Section 89-6, Hawaii Revised Statutes, is
15 amended by amending subsection (f) to read as follows:

16 "(f) The following individuals shall not be included in
17 any appropriate bargaining unit or be entitled to coverage under
18 this chapter:

19 (1) Elected or appointed official;

20 (2) Member of any board or commission; provided that

21 nothing in this paragraph shall prohibit a member of a



- 1 collective bargaining unit from serving on a governing
2 board of a charter school, on the state public charter
3 school commission, or as a charter school authorizer
4 established under chapter 302D;
- 5 (3) Top-level managerial and administrative personnel,
6 including the department head, deputy or assistant to
7 a department head, administrative officer, director,
8 or chief of a state or county agency or major
9 division, and legal counsel;
- 10 (4) Secretary to top-level managerial and administrative
11 personnel under paragraph (3);
- 12 (5) Individual concerned with confidential matters
13 affecting employee-employer relations;
- 14 (6) Part-time employee working less than twenty hours per
15 week, except part-time employees included in unit (5);
- 16 (7) Temporary employee of three months' duration or less;
- 17 (8) Employee of the executive office of the governor or a
18 household employee at Washington Place;
- 19 (9) Employee of the executive office of the lieutenant
20 governor;
- 21 (10) Employee of the executive office of the mayor;



- 1 (11) Staff of the legislative branch of the State;
- 2 (12) Staff of the legislative branches of the counties,
3 except employees of the clerks' offices of the
4 counties;
- 5 (13) Any commissioned and enlisted personnel of the Hawaii
6 national guard;
- 7 (14) Inmate, kokua, patient, ward, or student of a state
8 institution;
- 9 (15) Student help;
- 10 (16) Staff of the Hawaii labor relations board;
- 11 (17) Employees of the Hawaii national guard youth challenge
12 academy; [~~or~~]
- 13 (18) Employees of the office of elections[~~-~~]; and
- 14 (19) A litigation assistant and forensic analysts of the
15 complex litigation division of the department of the
16 attorney general."

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

19 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

ATG; Forensic Analysts; Special Agents; Litigation Secretary;
Litigation Assistant; Charities Administrator; Hawaii
Correctional System Oversight Commission; Oversight Coordinator;
Civil Service; Bargaining Units; Exemptions

Description:

Permanently exempts specified positions of the Department of the
Attorney General and its administratively attached Hawaii
Correctional System Oversight Commission from civil service and
for certain positions from collective bargaining. Effective
7/1/3000. (HD1)

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not legislation or evidence of legislative intent.*

