
A BILL FOR AN ACT

RELATING TO THE LAW ENFORCEMENT STANDARDS BOARD.

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

1 SECTION 1. The legislature finds that the law enforcement
2 standards board is responsible for certifying law enforcement
3 officers, including county police officers and law enforcement
4 officers of the department of law enforcement, department of
5 land and natural resources, department of taxation, and
6 department of the attorney general.

7 The law enforcement standards board is responsible for
8 establishing minimum standards for employment as a law
9 enforcement officer and certifying that a person is qualified to
10 serve as a law enforcement officer. The board is also
11 responsible for establishing certain training requirements for
12 law enforcement officers, including minimum criminal justice
13 curriculum requirements for basic, specialized, and in-service
14 courses and programs. In carrying out these responsibilities,
15 the board is required to consult and cooperate with the
16 counties, state agencies, other governmental agencies,
17 universities and colleges, and other institutions concerning the



1 development of law enforcement officer training schools and
2 programs.

3 The legislature recognizes that these are important and
4 substantial duties that require careful evaluation to ensure
5 that existing legal obligations are not compromised. For
6 example, before imposing new standards impacting the employment
7 of law enforcement officers, the law enforcement standards board
8 must consider collective bargaining and other employment
9 requirements. At a minimum, the board must evaluate how
10 probationary periods; training requirements; required training
11 hours; the availability of training facilities; and the
12 issuance, suspension, and revocation of certification, will
13 impact obligations already established by law.

14 The legislature further finds that this evaluation should
15 include consideration of the study conducted by the legislative
16 reference bureau pursuant to Act 124, Session Laws of Hawaii
17 2018, and any additional study necessary to determine the impact
18 of uniform standards, certification, and training for law
19 enforcement officers.

20 The law enforcement standards board has determined that it
21 will need significantly more time and resources to accomplish



1 its mission. Currently, the board has only one full-time
2 employee, a board administrator who was hired in October 2024,
3 to carry out its responsibilities. The legislature recognizes
4 that it is unreasonable to expect the board to accomplish its
5 mandates and responsibilities with a single employee.

6 The legislature finds that three additional employee
7 positions have been created and approved by the board. Given
8 the specialized nature of the board's work, security and
9 confidentiality requirements, and need to attract competitive
10 candidates, the legislature finds that these new positions,
11 including an administrative manager, a training and curriculum
12 coordinator, and a lead investigative agent, should be excluded
13 from the State's civil service law and made exempt from
14 collective bargaining.

15 Accordingly, the purpose of this Act is to exempt the newly
16 created positions of the law enforcement standards board from
17 the civil service law and collective bargaining.

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

20 "(b) The civil service to which this chapter applies shall
21 comprise all positions in the State now existing or hereafter



1 established and embrace all personal services performed for the
2 State, except the following:

- 3 (1) Commissioned and enlisted personnel of the Hawaii
4 [~~National Guard~~] national guard and positions in the
5 Hawaii [~~National Guard~~] national guard that are
6 required by state or federal laws or regulations or
7 orders of the [~~National Guard~~] national guard to be
8 filled from those commissioned or enlisted personnel;
- 9 (2) Positions filled by persons employed by contract where
10 the director of human resources development has
11 certified that the service is special or unique or is
12 essential to the public interest and that, because of
13 circumstances surrounding its fulfillment, personnel
14 to perform the service cannot be obtained through
15 normal civil service recruitment procedures. Any
16 contract may be for any period not exceeding one year;
- 17 (3) Positions that must be filled without delay to comply
18 with a court order or decree if the director
19 determines that recruitment through normal recruitment
20 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 of
9 Hawaii, including research workers, extension
10 agents, personnel engaged in instructional work,
11 and administrative, professional, and technical
12 personnel of the university;

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

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

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



- 1 (C) Positions that provide work experience training
2 or temporary public service employment that are
3 filled by persons entering the workforce or
4 persons transitioning into other careers under
5 programs such as the federal Workforce Investment
6 Act of 1998, as amended, or the Senior Community
7 Service Employment Program of the Employment and
8 Training Administration of the United States
9 Department of Labor, or under other similar state
10 programs;
- 11 (14) A custodian or guide at Iolani Palace, the Royal
12 Mausoleum, and Hulihee Palace;
- 13 (15) Positions filled by persons employed on a fee,
14 contract, or piecework basis, who may lawfully perform
15 their duties concurrently with their private business
16 or profession or other private employment and whose
17 duties require only a portion of their time, if it is
18 impracticable to ascertain or anticipate the portion
19 of time to be devoted to the service of the State;
- 20 (16) Positions of first deputies or first assistants of
21 each department head appointed under or in the manner



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



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

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

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

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

19 (18) Positions in the state foster grandparent program and
20 positions for temporary employment of senior citizens



- 1 in occupations in which there is a severe personnel
2 shortage or in special projects;
- 3 (19) Household employees at the official residence of the
4 president of the university of Hawaii;
- 5 (20) Employees in the department of education engaged in
6 the supervision of students during meal periods in the
7 distribution, collection, and counting of meal
8 tickets, and in the cleaning of classrooms after
9 school hours on a less than half-time basis;
- 10 (21) Employees hired under the tenant hire program of the
11 Hawaii public housing authority; provided that no more
12 than twenty-six per cent of the authority's workforce
13 in any housing project maintained or operated by the
14 authority shall be hired under the tenant hire
15 program;
- 16 (22) Positions of the federally funded expanded food and
17 nutrition program of the university of Hawaii that
18 require the hiring of nutrition program assistants who
19 live in the areas they serve;
- 20 (23) Positions filled by persons with severe disabilities
21 who are certified by the state vocational



- 1 rehabilitation office that they are able to perform
2 safely the duties of the positions;
- 3 (24) The sheriff;
- 4 (25) A gender and other fairness coordinator hired by the
5 judiciary;
- 6 (26) Positions in the Hawaii [~~National Guard~~] national
7 guard youth and adult education programs;
- 8 (27) In the Hawaii state energy office in the department of
9 business, economic development, and tourism, all
10 energy program managers, energy program specialists,
11 energy program assistants, and energy analysts;
- 12 (28) Administrative appeals hearing officers in the
13 department of human services;
- 14 (29) In the [~~Med-QUEST~~] med-QUEST division of the
15 department of human services, the division
16 administrator, finance officer, health care services
17 branch administrator, medical director, and clinical
18 standards administrator;
- 19 (30) In the director's office of the department of human
20 services, the enterprise officer, information security
21 and privacy compliance officer, security and privacy



1 compliance engineer, security and privacy compliance
2 analyst, information technology implementation
3 manager, assistant information technology
4 implementation manager, resource manager, community or
5 project development director, policy director, special
6 assistant to the director, and limited English
7 proficiency project manager or coordinator;

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

10 (32) In the Hawaii emergency management agency, the
11 executive officer, public information officer, civil
12 defense administrative officer, branch chiefs, and
13 emergency operations center state warning point
14 personnel; provided that for state warning point
15 personnel, the director shall determine that
16 recruitment through normal civil service recruitment
17 procedures would result in delay or noncompliance;

18 (33) The executive director and seven full-time
19 administrative positions of the school facilities
20 authority;



- 1 (34) Positions in the Mauna Kea stewardship and oversight
2 authority;
- 3 (35) In the office of homeland security of the department
4 of law enforcement, the statewide interoperable
5 communications coordinator;
- 6 (36) In the social services division of the department of
7 human services, the business technology analyst;
- 8 (37) The executive director and staff of the 911 board;
- 9 (38) The software developer supervisor and senior software
10 developers in the department of taxation;
- 11 (39) In the department of law enforcement, five Commission
12 on Accreditation for Law Enforcement Agencies, Inc.,
13 coordinator positions;
- 14 (40) The state fire marshal and deputy state fire marshal
15 in the office of the state fire marshal;
- 16 (41) The administrator, administrative manager, training
17 and curriculum coordinator, and lead investigative
18 agent for the law enforcement standards board;
- 19 (42) In the office of the director of taxation, the data
20 privacy officer and tax business analysts; and



1 [+] (43) [+] All positions filled by the Hawaii tourism authority
2 within the department of business, economic
3 development, and tourism.

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

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

8 SECTION 3. Section 139-3, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§139-3 Powers and duties of the board.** The board shall:

- 11 (1) Adopt rules in accordance with chapter 91 to implement
12 this chapter;
- 13 (2) Establish minimum standards for employment as a law
14 enforcement officer and to certify persons to be
15 qualified as law enforcement officers;
- 16 (3) Establish criteria and standards in which a person who
17 has been denied certification, whose certification has
18 been revoked by the board, or whose certification has
19 lapsed may reapply for certification;
- 20 (4) Establish minimum criminal justice curriculum
21 requirements for basic, specialized, and in-service



- 1 courses and programs for schools operated by or for
2 the State or a county for the specific purpose of
3 training law enforcement officers;
- 4 (5) Consult and cooperate with the counties, agencies of
5 the State, other governmental agencies, universities,
6 colleges, and other institutions concerning the
7 development of law enforcement officer training
8 schools and programs of criminal justice instruction;
- 9 (6) Employ an administrator, an administrative manager, a
10 training and curriculum coordinator, and a lead
11 investigative agent, without regard to [~~chapter~~]
12 chapters 76[7] and 89, and other persons necessary to
13 carry out its duties under this chapter;
- 14 (7) Investigate when there is reason to believe that a law
15 enforcement officer does not meet the minimum
16 standards for employment, and in so doing, may:
- 17 (A) Subpoena persons, books, records, or documents;
18 (B) Require answers in writing under oath to
19 questions asked by the board; and



- 1 (C) Take or cause to be taken depositions as needed
- 2 in investigations, hearings, and other
- 3 proceedings,
- 4 related to the investigation;
- 5 (8) Establish and require participation in continuing
- 6 education programs for law enforcement officers;
- 7 (9) Have the authority to charge and collect fees for
- 8 applications for certification as a law enforcement
- 9 officer;
- 10 (10) Establish procedures and criteria for the revocation
- 11 of certification issued by the board;
- 12 (11) Have the authority to revoke certifications;
- 13 (12) Review and recommend statewide policies and procedures
- 14 relating to law enforcement, including the use of
- 15 force;
- 16 (13) Consider studies relevant to the board's objectives,
- 17 including the study that examines consolidating the
- 18 law enforcement activities and responsibilities of
- 19 various state divisions and agencies under a single,
- 20 centralized state enforcement division or agency,



1 conducted pursuant to Act 124, Session Laws of Hawaii
2 2018; and

3 (14) Conduct its own study to evaluate how to efficiently
4 and effectively satisfy its duties in accordance with
5 the law."

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

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



Report Title:

LESB; Civil Service; Collective Bargaining; Exemption

Description:

Exempts certain positions of the Law Enforcement Standards Board from the State's Civil Service Law and collective bargaining requirements. Effective 7/1/3000. (HD1)

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