

---

---

# A BILL FOR AN ACT

RELATING TO THE EXEMPTION FROM CIVIL SERVICE OF EXECUTIVE  
PERSONNEL OF THE EMPLOYEES' RETIREMENT SYSTEM.

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

1 SECTION 1. Chapter 88, Hawaii Revised Statutes, is amended  
2 by adding a new section to part II, subpart A to be  
3 appropriately designated and to read as follows:

4 "§88- Executive personnel. The board, through its  
5 executive director, may appoint a deputy executive director, a  
6 chief compliance officer, and an information security officer.  
7 Each appointee shall serve under the direction of the executive  
8 director, with duties and qualifications prescribed and each  
9 appointee's salary fixed by the board, and shall be exempt from  
10 chapter 76."

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

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



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



1 the attorney general, one secretary for the  
2 administrative services manager, an administrator and  
3 any support staff for the criminal and juvenile  
4 justice resources coordination functions, and law  
5 clerks;

6 (11) (A) Teachers, principals, vice-principals, complex  
7 area superintendents, deputy and assistant  
8 superintendents, other certificated personnel,  
9 and no more than twenty noncertificated  
10 administrative, professional, and technical  
11 personnel not engaged in instructional work;

12 (B) Effective July 1, 2003, teaching assistants,  
13 educational assistants, bilingual or bicultural  
14 school-home assistants, school psychologists,  
15 psychological examiners, speech pathologists,  
16 athletic health care trainers, alternative school  
17 work study assistants, alternative school  
18 educational or supportive services specialists,  
19 alternative school project coordinators, and  
20 communications aides in the department of  
21 education;



- 1 (C) The special assistant to the state librarian and
- 2 one secretary for the special assistant to the
- 3 state librarian; and
- 4 (D) Members of the faculty of the university of
- 5 Hawaii, including research workers, extension
- 6 agents, personnel engaged in instructional work,
- 7 and administrative, professional, and technical
- 8 personnel of the university;
- 9 (12) Employees engaged in special, research, or
- 10 demonstration projects approved by the governor;
- 11 (13) (A) Positions filled by inmates, patients of state
- 12 institutions, and persons with severe physical or
- 13 mental disabilities participating in the work
- 14 experience training programs;
- 15 (B) Positions filled with students in accordance with
- 16 guidelines for established state employment
- 17 programs; and
- 18 (C) Positions that provide work experience training
- 19 or temporary public service employment that are
- 20 filled by persons entering the workforce or
- 21 persons transitioning into other careers under



1 programs such as the federal Workforce Investment  
2 Act of 1998, as amended, or the Senior Community  
3 Service Employment Program of the Employment and  
4 Training Administration of the United States  
5 Department of Labor, or under other similar state  
6 programs;

7 (14) A custodian or guide at Iolani Palace, the Royal  
8 Mausoleum, and Hulihee Palace;

9 (15) Positions filled by persons employed on a fee,  
10 contract, or piecework basis, who may lawfully perform  
11 their duties concurrently with their private business  
12 or profession or other private employment and whose  
13 duties require only a portion of their time, if it is  
14 impracticable to ascertain or anticipate the portion  
15 of time to be devoted to the service of the State;

16 (16) Positions of first deputies or first assistants of  
17 each department head appointed under or in the manner  
18 provided in section 6, article V, of the Hawaii State  
19 Constitution; three additional deputies or assistants  
20 either in charge of the highways, harbors, and  
21 airports divisions or other functions within the



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



1 assigned by the director of corrections and  
2 rehabilitation, with the approval of the governor; two  
3 administrative assistants to the state librarian; and  
4 an administrative assistant to the superintendent of  
5 education;

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

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

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

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

19 (19) Household employees at the official residence of the  
20 president of the university of Hawaii;



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



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



- 1 implementation manager, resource manager, community or  
2 project development director, policy director, special  
3 assistant to the director, and limited English  
4 proficiency project manager or coordinator;
- 5 (31) The Alzheimer's disease and related dementia services  
6 coordinator in the executive office on aging;
- 7 (32) In the Hawaii emergency management agency, the  
8 executive officer, public information officer, civil  
9 defense administrative officer, branch chiefs, and  
10 emergency operations center state warning point  
11 personnel; provided that for state warning point  
12 personnel, the director shall determine that  
13 recruitment through normal civil service recruitment  
14 procedures would result in delay or noncompliance;
- 15 (33) The executive director and seven full-time  
16 administrative positions of the school facilities  
17 authority;
- 18 (34) Positions in the Mauna Kea stewardship and oversight  
19 authority;



- 1 (35) In the office of homeland security of the department  
2 of law enforcement, the statewide interoperable  
3 communications coordinator;
- 4 (36) In the social services division of the department of  
5 human services, the business technology analyst;
- 6 (37) The executive director and staff of the 911 board;
- 7 (38) The software developer supervisor and senior software  
8 developers in the department of taxation;
- 9 (39) In the department of law enforcement, five Commission  
10 on Accreditation for Law Enforcement Agencies, Inc.,  
11 coordinator positions;
- 12 (40) The state fire marshal and deputy state fire marshal  
13 in the office of the state fire marshal;
- 14 (41) The administrator for the law enforcement standards  
15 board;
- 16 (42) In the office of the director of taxation, the data  
17 privacy officer and tax business analysts; ~~and~~
- 18 ~~+~~ (43) ~~+~~ All positions filled by the Hawaii tourism authority  
19 within the department of business, economic  
20 development, and tourism~~[-]~~; and



1        (44) In the employees' retirement system of the State of  
2                    Hawaii, the deputy executive director, chief  
3                    compliance officer, and information security officer.

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

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



**Report Title:**

ERS; Executive Personnel; Civil Service Exemption

**Description:**

Allows the Board of Trustees of the Employees' Retirement System, through its Executive Director, to appoint specified executive personnel positions of the Employees' Retirement System and exempts these positions from the State's civil service requirements. 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.*

