

A Bill for an Act Relating to Civil Service for the Counties of Hawaii, Maui, and Kauai.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Part III of Chapter 76, Hawaii Revised Statutes, is amended to read as follows:

**“PART III. CIVIL SERVICE FOR THE  
COUNTIES OF HAWAII, MAUI, AND KAUAI**

**§76-71 Department of civil service.** There shall be a department of civil service for each of the counties of Hawaii, Maui, and Kauai, which shall include a personnel director and a commission consisting of five members appointed by the mayor with approval of the council of the respective counties.

**§76-72 Commission; appointment; removal.** The members of the commission shall be persons who believe in applying merit principles to public employment. They shall be appointed as prescribed in section 76-71 and shall hold office for five years. Each appointment shall be for a term ending five years from the date of the expiration of the term for which the predecessor was appointed. Of the members appointed, one shall be selected from among persons employed in private industry in either skilled or unskilled laboring positions as distinguished from executive or professional positions. No member of the commission shall be eligible for a second appointment to the commission prior to the expiration of two years from the date his previous term as such member expired. A person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed for the remainder of the term. Each member shall serve until his successor has been appointed and qualified. Not more than three members of the commission shall belong to the same political party. The commission shall select a chairman from its membership annually.

Any commissioner may be removed by the mayor with the approval of the council, or, without the approval of the council, upon conviction of any felony or misdemeanor involving moral turpitude, or for neglect of duty or malfeasance in office.

**§76-73 Expenses.** When any member of the commission is required to travel to and from the site of a commission meeting or from any island to another island in the State in performance of the commission's duties, the commissioner shall be allowed reasonable traveling expenses.

**§76-74 Meeting, quorum.** The commission shall meet at least once each month at such places as are made available for such purposes by the mayor. The commission may meet at such other times as may be designated in advance by it, its chairman, or the mayor. No business of the commission shall be conducted, except in meetings open to the public. Three members shall constitute a quorum.

**§76-75 Personnel director.** The commission shall appoint and may at pleasure remove a personnel director, who shall be the chief administrative officer of the department of civil service. The director shall, at the time of his

appointment, and thereafter, be thoroughly familiar with the principles and methods of personnel administration and shall believe in applying merit principles and scientific administrative methods to public personnel administration.

**§76-76 Deputy director.** The personnel director may designate a qualified person as his deputy. The deputy shall be thoroughly familiar with the principles and methods of personnel administration and shall believe in applying merit principles and scientific administrative methods to public personnel administration. In case of a vacancy in the office of director or of the absence of the director or his inability from any cause to discharge the powers and duties of his office, the powers and duties shall devolve upon his deputy.

**§76-77 Civil service and exemptions.** The civil service to which this part applies comprises all positions in the public service of each county, now existing or hereafter established and embraces all personal services performed for each county, except the following:

- (1) Positions in the office of the mayor, but the positions shall be included in the position classification plan;
- (2) Positions of officers elected by public vote, positions of heads of departments and positions of one first deputy or first assistant of heads of departments;
- (3) Positions of deputy county attorney, deputy corporation counsels, deputy prosecuting attorneys, and law clerks;
- (4) Positions of members of any board, commission or agency;
- (5) Positions filled by students; positions filled through federally funded programs which provide temporary public service employment such as the federal Comprehensive Employment and Training Act of 1973; and employees engaged in special research or demonstration projects approved by the Mayor, for which projects federal funds are available;
- (6) Positions of district magistrates, jurors, jury commissioners, and witnesses;
- (7) Positions filled by persons employed by contract where the personnel director has certified and where such certification has received the approval of the commission that the service is special or unique, is essential to the public interest and that, because of the circumstances surrounding its fulfillment, personnel to perform the service cannot be obtained through normal civil service recruitment procedures. Any such contract may be for any period not exceeding one year;
- (8) Positions of a temporary nature needed in the public interest where the need for the same does not exceed ninety days; but before any person may be employed to render such temporary service the director shall certify that the service is of a temporary nature and that recruitment through normal civil service recruitment procedures is not practicable; provided, that the employment of any person for service of a temporary nature may be extended for good cause for an additional period not to exceed ninety days upon similar certification by the director, approved by the commission;

- (9) Positions of temporary election clerks in the office of the county clerk employed during election periods;
- (10) Positions specifically exempted from this part by any other state statutes;
- (11) Positions of one private secretary of heads of departments, but such positions shall be included in the position classification plan;
- (12) Positions filled by persons employed on a fee, contract, or piecework basis who may lawfully perform their duties concurrently with their private business or profession or other private employment, if any, and whose duties require only a portion of their time, where it is impracticable to ascertain or anticipate the portion of time devoted to the service of the county and that fact is certified to by the director.

The director shall determine the applicability of this section to specific positions and the director shall determine whether or not positions excluded by paragraphs (7) and (8) of this section shall be included in the position classification plan.

Nothing in this section shall be deemed to affect the civil service status of any incumbent private secretary of heads of departments as it existed on the effective date of this Act.

**§76-78 Provisions of Part II applicable.** Except as otherwise specifically provided in this part, all of the provisions of Part II shall apply to each of the counties of Hawaii, Maui, and Kauai and shall be deemed a part of this part, for which purpose wherever reference is made in Part II to the State or governor or the legislature, it means each of the counties, the mayor of each county, and the council of each county, respectively, and references therein to the state director of personnel services and the civil service commission means the director and the commission provided for in section 76-71; provided, that the reference to the director in sections 76-12, 76-17, 76-42, and 76-43 means the commission provided for in section 76-71; and provided further that section 76-16 shall not be deemed a part of this part.

**§76-79 Rules and regulations, general policy.** The rules and regulations prescribed by each commission shall, among other things, recognize and be in conformity to the distinction between matters of policy, which are by this chapter and chapter 77 left for the determination of the commission, and matters of technique and administration, which are by the chapters, left for execution by the personnel director.

**§76-80 Additional duties of county director.** In addition to the duties prescribed in section 76-13, the county personnel director shall report to the commission his findings and recommendations resulting from the investigation under section 76-13(7).

**§76-81 Director, employees retirement system representative.** In addition to the duties prescribed by section 76-13, the personnel director of each county shall represent the employees retirement system of the State, when so requested by the board of trustees of the system, in advising employees of their rights, duties, and benefits thereunder, in processing the forms prescribed by the board of trustees and in giving other assistance with respect thereto."

**SECTION 2.** Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

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

(Approved May 7, 1977.)

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\*Edited accordingly.