

ACT 202

H.B. NO. 460

A Bill for an Act Relating to the Civil Service.

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

SECTION 1. The purpose of this Act is to clarify that the chief election officer may hire individuals who are or are not subject to civil service, and who are excluded from collective bargaining, at the chief election officer's discretion.

SECTION 2. Section 11-5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Pursuant to section 11-1.55, the chief election officer may employ a staff with or without regard to [chapters] chapter 76 at the discretion of the chief election officer, and without regard to chapter 89 and section 28-8.3. The office of elections staff may ~~[, but shall not be limited to supervising]~~:

- (1) Supervise state elections; ~~[maximizing]~~
- (2) Maximize registration of eligible voters throughout the State; ~~[maintaining]~~
- (3) Maintain data concerning registered voters, elections, apportionment, and districting; and ~~[to performing]~~
- (4) Perform other duties as prescribed by law.

The chief election officer or county clerk may employ precinct officials and other election employees as the chief election officer or county clerk may find necessary, none of whom shall be subject to chapters 76 and 89.”

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

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

- (1) Elected or appointed official;
- (2) Member of any board or commission;
- (3) Top-level managerial and administrative personnel, including the department head, deputy or assistant to a department head, administrative officer, director, or chief of a state or county agency or major division, and legal counsel;
- (4) Secretary to top-level managerial and administrative personnel under paragraph (3);
- (5) Individual concerned with confidential matters affecting employee-employer relations;
- (6) Part-time employee working less than twenty hours per week, except part-time employees included in unit (5);
- (7) Temporary employee of three months’ duration or less;
- (8) Employee of the executive office of the governor or a household employee at Washington Place;
- (9) Employee of the executive office of the lieutenant governor;
- (10) Employee of the executive office of the mayor;
- (11) Staff of the legislative branch of the State;
- (12) Staff of the legislative branches of the counties, except employees of the clerks’ offices of the counties;
- (13) Any commissioned and enlisted personnel of the Hawaii national guard;
- (14) Inmate, kokua, patient, ward or student of a state institution;
- (15) Student help;
- (16) Staff of the Hawaii labor relations board; [ø]
- (17) Employees of the Hawaii national guard youth challenge academy[-];
or
- (18) Employees of the office of elections.’’

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

SECTION 5. This Act shall take effect upon its approval.

(Approved July 6, 2005.)