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# A BILL FOR AN ACT

RELATING TO CIVIL SERVICE LAW.

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

1           SECTION 1. Section 76-16, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

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

7           (1) Commissioned and enlisted personnel of the Hawaii  
8 national guard as such, and positions in the Hawaii  
9 national guard that are required by state or federal  
10 laws or regulations or orders of the national guard to  
11 be filled from those commissioned or enlisted  
12 personnel;

13           (2) Positions filled by persons employed by contract where  
14 the director of human resources development has  
15 certified that the service is special or unique or is  
16 essential to the public interest and that, because of  
17 circumstances surrounding its fulfillment, personnel

- 1 to perform the service cannot be obtained through  
2 normal civil service recruitment procedures. Any such  
3 contract may be for any period not exceeding one year;
- 4 (3) Positions that must be filled without delay to comply  
5 with a court order or decree if the director  
6 determines that recruitment through normal recruitment  
7 civil service procedures would result in delay or  
8 noncompliance, such as the Felix-Cayetano consent  
9 decree;
- 10 (4) Positions filled by the legislature or by either house  
11 or any committee thereof;
- 12 (5) Employees in the office of the governor and office of  
13 the lieutenant governor, and household employees at  
14 Washington Place;
- 15 (6) Positions filled by popular vote;
- 16 (7) Department heads, officers, and members of any board,  
17 commission, or other state agency whose appointments  
18 are made by the governor or are required by law to be  
19 confirmed by the senate;
- 20 (8) Judges, referees, receivers, masters, jurors, notaries  
21 public, land court examiners, court commissioners, and

1 attorneys appointed by a state court for a special  
2 temporary service;

3 (9) One bailiff for the chief justice of the supreme court  
4 who shall have the powers and duties of a court  
5 officer and bailiff under section 606-14; one  
6 secretary or clerk for each justice of the supreme  
7 court, each judge of the intermediate appellate court,  
8 and each judge of the circuit court; one secretary for  
9 the judicial council; one deputy administrative  
10 director of the courts; three law clerks for the chief  
11 justice of the supreme court, two law clerks for each  
12 associate justice of the supreme court and each judge  
13 of the intermediate appellate court, one law clerk for  
14 each judge of the circuit court, two additional law  
15 clerks for the civil administrative judge of the  
16 circuit court of the first circuit, two additional law  
17 clerks for the criminal administrative judge of the  
18 circuit court of the first circuit, one additional law  
19 clerk for the senior judge of the family court of the  
20 first circuit, two additional law clerks for the civil  
21 motions judge of the circuit court of the first  
22 circuit, two additional law clerks for the criminal

1 motions judge of the circuit court of the first  
2 circuit, and two law clerks for the administrative  
3 judge of the district court of the first circuit; and  
4 one private secretary for the administrative director  
5 of the courts, the deputy administrative director of  
6 the courts, each department head, each deputy or first  
7 assistant, and each additional deputy, or assistant  
8 deputy, or assistant defined in paragraph (16);

9 (10) First deputy and deputy attorneys general, the  
10 administrative services manager of the department of  
11 the attorney general, one secretary for the  
12 administrative services manager, an administrator and  
13 any support staff for the criminal and juvenile  
14 justice resources coordination functions, and law  
15 clerks;

16 (11) (A) Teachers, principals, vice-principals, complex  
17 area superintendents, deputy and assistant  
18 superintendents, other certificated personnel,  
19 not more than twenty noncertificated  
20 administrative, professional, and technical  
21 personnel not engaged in instructional work;

- 1 (B) Effective July 1, 2003, teaching assistants,  
2 educational assistants, bilingual/bicultural  
3 school-home assistants, school psychologists,  
4 psychological examiners, speech pathologists,  
5 athletic health care trainers, alternative school  
6 work study assistants, alternative school  
7 educational/supportive services specialists,  
8 alternative school project coordinators, and  
9 communications aides in the department of  
10 education;
- 11 (C) The special assistant to the state librarian and  
12 one secretary for the special assistant to the  
13 state librarian; and
- 14 (D) Members of the faculty of the University of  
15 Hawaii, including research workers, extension  
16 agents, personnel engaged in instructional work,  
17 and administrative, professional, and technical  
18 personnel of the university;
- 19 (12) Employees engaged in special, research, or  
20 demonstration projects approved by the governor;
- 21 (13) Positions filled by inmates, kokuas, patients of state  
22 institutions, persons with severe physical or mental

1 handicaps participating in the work experience  
2 training programs, and students and positions filled  
3 through federally funded programs that provide  
4 temporary public service employment such as the  
5 federal Comprehensive Employment and Training Act of  
6 1973;

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 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  
22 department of transportation as may be assigned by the

- 1 director of transportation, with the approval of the  
2 governor; four additional deputies in the department  
3 of health, each in charge of one of the following:  
4 behavioral health, environmental health, hospitals,  
5 and health resources administration, including other  
6 functions within the department as may be assigned by  
7 the director of health, with the approval of the  
8 governor; an administrative assistant to the state  
9 librarian; and an administrative assistant to the  
10 superintendent of education;
- 11 (17) Positions specifically exempted from this part by any  
12 other law; provided that all of the positions defined  
13 by paragraph (9) shall be included in the position  
14 classification 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;
- 21 (20) Employees in the department of education engaged in  
22 the supervision of students during meal periods in the

- 1 distribution, collection, and counting of meal  
2 tickets, and in the cleaning of classrooms after  
3 school hours on a less than half-time basis;
- 4 (21) Employees hired under the tenant hire program of the  
5 Hawaii public housing authority; provided that not  
6 more than twenty-six per cent of the authority's work  
7 force in any housing project maintained or operated by  
8 the authority shall be hired under the tenant hire  
9 program;
- 10 (22) Positions of the federally funded expanded food and  
11 nutrition program of the University of Hawaii that  
12 require the hiring of nutrition program assistants who  
13 live in the areas they serve;
- 14 (23) Positions filled by severely handicapped persons who  
15 are certified by the state vocational rehabilitation  
16 office that they are able to perform safely the duties  
17 of the positions;
- 18 (24) One public high school student to be selected by the  
19 Hawaii state student council as a nonvoting member on  
20 the board of education as authorized by the State  
21 Constitution;



1 (25) Sheriff, first deputy sheriff, and second deputy  
2 sheriff;

3 (26) A gender and other fairness coordinator hired by the  
4 judiciary; and

5 (27) Positions in the Hawaii national guard youth  
6 [~~challenge academy.~~] and adult education programs.

7 The director shall determine the applicability of this  
8 section to specific positions.

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

11 SECTION 2. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 3. This Act shall take effect on July 1, 2009.

**Report Title:**

Hawaii National Guard Youth and Adult Programs

**Description:**

Increases effectiveness and efficiency by affirming that positions in the Hawaii National Guard sponsored youth and adult educational programs are exempt from civil service requirements. (SD1)