
A BILL FOR AN ACT

RELATING TO PERMANENT EXEMPT POSITIONS IN THE DEPARTMENT OF
HUMAN SERVICES.

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

1 SECTION 1. The department of human services has the
2 largest operating budget of any state department, approximately
3 \$3,100,000,000, including seventy-three per cent of all the
4 State's federal operating funds. The department also has the
5 fifth largest staff of any department, with over 2,000 employees
6 staffing its four divisions and three administratively attached
7 agencies.

8 Currently, the department has only one deputy director.
9 Act 223, Session Laws of Hawaii 1994, deleted the second deputy
10 director position, which was prompted by the State's poor
11 economy at that time.

12 The department serves vulnerable and needy adults and
13 children statewide and is responsible for diverse and complex
14 programs driven by their own unique and ubiquitous state and
15 federal laws, rules, and regulations. With little overlap
16 between the wide array of services offered by the department and



1 each program's laws and regulations, the breadth of knowledge
2 necessary for effective management of all the programs is
3 extensive and difficult to develop.

4 The department's programs and services include: protection
5 of vulnerable children and adults; vocational rehabilitation and
6 financial assistance to the disabled; the supplemental nutrition
7 assistance program; financial assistance; job training and
8 placement; housing and services for the homeless; medicaid
9 services for the State's medically needy population; and
10 prevention, treatment, and housing for the State's youthful
11 offenders.

12 In addition to helping Hawaii's vulnerable individuals, the
13 department manages significant federal and state funds and
14 processes vast amounts of information and is currently engaged
15 in investing in an enterprise integrated eligibility system to
16 better serve recipients of public benefits and the State's
17 vulnerable populations. The department's accounting and budget
18 functions have grown more complex as requirements to track the
19 receipt and expenditure of federal funds have increased the
20 number of departmental appropriation accounts from fifty-one to
21 one hundred eighteen. The department also takes on new federal



1 and state programs and mandates on a regular and ongoing basis.
2 Implementation of the federal Affordable Care Act required the
3 department to expend significant resources to conform its
4 administrative rules to the Affordable Care Act's new
5 requirements and to develop KOLEA, the Med-QUEST division's
6 application or "app" of the DHS enterprise system that
7 determines medicaid eligibility and also determines eligibility
8 for advanced premium tax credits and cost share reductions for
9 the clients of the State's health insurance exchange, formerly
10 known as the Hawaii health connector. This effort severely
11 taxed the resources of the director's office and the Med-QUEST
12 division.

13 The effective management of the department and its programs
14 also requires collaboration within the department, with other
15 state, federal, and local agencies, and with the community and
16 the clients served. Maintaining these necessary collaborations
17 further erodes the ability of the director's office to fully
18 oversee personnel matters, fiscal and budget issues, information
19 technology development, and operational matters related to
20 quality control, program oversight, and reporting.



1 The purpose of this Act is to restore the second deputy
2 director position for the department of human services,
3 establish the positions of community/project development
4 director and policy director within the office of the director
5 of human services, and convert six identified management
6 positions within the Med-QUEST division to permanent exempt
7 status. This Act also funds the second deputy director
8 position, a private secretary for that second deputy director
9 position, the community/project development director position,
10 and the policy director position.

11 This Act is necessary for the effective management of the
12 department's diverse and complex programs affecting poor and
13 vulnerable adults and children statewide. The department's
14 budget of over \$3,100,000,000 also makes it especially critical
15 that programs are run well and comply with federal and state
16 laws and regulations and that state and federal tax dollars are
17 well spent by programs meeting their objectives and serving the
18 community as intended.

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



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

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



- 1 civil service procedures would result in delay or
2 noncompliance, such as the Felix-Cayetano consent
3 decree;
- 4 (4) Positions filled by the legislature or by either house
5 or any committee thereof;
- 6 (5) Employees in the office of the governor and office of
7 the lieutenant governor, and household employees at
8 Washington Place;
- 9 (6) Positions filled by popular vote;
- 10 (7) Department heads, officers, and members of any board,
11 commission, or other state agency whose appointments
12 are made by the governor or are required by law to be
13 confirmed by the senate;
- 14 (8) Judges, referees, receivers, masters, jurors, notaries
15 public, land court examiners, court commissioners, and
16 attorneys appointed by a state court for a special
17 temporary service;
- 18 (9) One bailiff for the chief justice of the supreme court
19 who shall have the powers and duties of a court
20 officer and bailiff under section 606-14; one
21 secretary or clerk for each justice of the supreme



1 court, each judge of the intermediate appellate court,
2 and each judge of the circuit court; one secretary for
3 the judicial council; one deputy administrative
4 director of the courts; three law clerks for the chief
5 justice of the supreme court, two law clerks for each
6 associate justice of the supreme court and each judge
7 of the intermediate appellate court, one law clerk for
8 each judge of the circuit court, two additional law
9 clerks for the civil administrative judge of the
10 circuit court of the first circuit, two additional law
11 clerks for the criminal administrative judge of the
12 circuit court of the first circuit, one additional law
13 clerk for the senior judge of the family court of the
14 first circuit, two additional law clerks for the civil
15 motions judge of the circuit court of the first
16 circuit, two additional law clerks for the criminal
17 motions judge of the circuit court of the first
18 circuit, and two law clerks for the administrative
19 judge of the district court of the first circuit; and
20 one private secretary for the administrative director
21 of the courts, the deputy administrative director of



1 the courts, each department head, each deputy or first
2 assistant, and each additional deputy, or assistant
3 deputy, or assistant defined in paragraph (16);

4 (10) First deputy and deputy attorneys general, the
5 administrative services manager of the department of
6 the attorney general, one secretary for the
7 administrative services manager, an administrator and
8 any support staff for the criminal and juvenile
9 justice resources coordination functions, and law
10 clerks;

11 (11) (A) Teachers, principals, vice-principals, complex
12 area superintendents, deputy and assistant
13 superintendents, other certificated personnel,
14 not more than twenty noncertificated
15 administrative, professional, and technical
16 personnel not engaged in instructional work;

17 (B) Effective July 1, 2003, teaching assistants,
18 educational assistants, bilingual/bicultural
19 school-home assistants, school psychologists,
20 psychological examiners, speech pathologists,
21 athletic health care trainers, alternative school



- 1 work study assistants, alternative school
2 educational/supportive services specialists,
3 alternative school project coordinators, and
4 communications aides in the department of
5 education;
- 6 (C) The special assistant to the state librarian and
7 one secretary for the special assistant to the
8 state librarian; and
- 9 (D) Members of the faculty of the University of
10 Hawaii, including research workers, extension
11 agents, personnel engaged in instructional work,
12 and administrative, professional, and technical
13 personnel of the university;
- 14 (12) Employees engaged in special, research, or
15 demonstration projects approved by the governor;
- 16 (13) (A) Positions filled by inmates, patients of state
17 institutions, persons with severe physical or
18 mental disabilities participating in the work
19 experience training programs;



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



1 impracticable to ascertain or anticipate the portion
2 of time to be devoted to the service of the State;
3 (16) Positions of first deputies or first assistants of
4 each department head appointed under or in the manner
5 provided in section 6, article V, of the Hawaii state
6 constitution; three additional deputies or assistants
7 either in charge of the highways, harbors, and
8 airports divisions or other functions within the
9 department of transportation as may be assigned by the
10 director of transportation, with the approval of the
11 governor; one additional deputy in the department of
12 human services either in charge of welfare or other
13 functions within the department as may be assigned by
14 the director of human services; four additional
15 deputies in the department of health, each in charge
16 of one of the following: behavioral health,
17 environmental health, hospitals, and health resources
18 administration, including other functions within the
19 department as may be assigned by the director of
20 health, with the approval of the governor; an
21 administrative assistant to the state librarian; and



- 1 an administrative assistant to the superintendent of
2 education;
- 3 (17) Positions specifically exempted from this part by any
4 other law; provided that:
- 5 (A) Any exemption created after July 1, 2014, shall
6 expire three years after its enactment unless
7 affirmatively extended by an act of the
8 legislature; and
- 9 (B) All of the positions defined by paragraph (9)
10 shall be included in the position classification
11 plan;
- 12 (18) Positions in the state foster grandparent program and
13 positions for temporary employment of senior citizens
14 in occupations in which there is a severe personnel
15 shortage or in special projects;
- 16 (19) Household employees at the official residence of the
17 president of the University of Hawaii;
- 18 (20) Employees in the department of education engaged in
19 the supervision of students during meal periods in the
20 distribution, collection, and counting of meal



- 1 tickets, and in the cleaning of classrooms after
2 school hours on a less than half-time basis;
- 3 (21) Employees hired under the tenant hire program of the
4 Hawaii public housing authority; provided that not
5 more than twenty-six per cent of the authority's
6 workforce in any housing project maintained or
7 operated by the authority shall be hired under the
8 tenant hire program;
- 9 (22) Positions of the federally funded expanded food and
10 nutrition program of the University of Hawaii that
11 require the hiring of nutrition program assistants who
12 live in the areas they serve;
- 13 (23) Positions filled by persons with severe disabilities
14 who are certified by the state vocational
15 rehabilitation office that they are able to perform
16 safely the duties of the positions;
- 17 (24) The sheriff;
- 18 (25) A gender and other fairness coordinator hired by the
19 judiciary; [~~and~~]
- 20 (26) Positions in the Hawaii National Guard youth and adult
21 education programs [-]; and



1 (27) Positions in the department of human services as
2 follows:
3 (A) In the Med-QUEST division, a division
4 administrator, finance officer, health care
5 services branch administrator, medical director,
6 clinical standards administrator, and
7 research/health analytics manager; and
8 (B) In the office of the director of human services,
9 a community project/development director and
10 policy director;
11 provided that these exemptions shall expire three years
12 after the enactment of this paragraph unless affirmatively
13 extended by an act of the legislature.

14 The director shall determine the applicability of this
15 section to specific positions.

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

18 SECTION 3. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$ or so much
20 thereof as may be necessary for fiscal year 2016-2017 to be used
21 for the salary of the additional deputy director (HMS 904).



1 SECTION 4. There is appropriated out of the general
 2 revenues of the State of Hawaii the sum of \$ or so much
 3 thereof as may be necessary for fiscal year 2016-2017 to be used
 4 for the salary of the private secretary for the additional
 5 deputy director (HMS 904).

6 SECTION 5. There is appropriated out of the general
 7 revenues of the State of Hawaii the sum of \$ or so much
 8 thereof as may be necessary for fiscal year 2016-2017 to be used
 9 for the salary of the community/project development director.
 10 (HMS 904)

11 SECTION 6. There is appropriated out of the general
 12 revenues of the State of Hawaii the sum of \$ or so much
 13 thereof as may be necessary for fiscal year 2016-2017 to be used
 14 for the salary of the policy director. (HMS 904)

15 SECTION 7. The sums appropriated shall be expended by the
 16 department of human services for the purposes of this Act.

17 SECTION 8. Statutory material to be repealed is bracketed
 18 and stricken. New statutory material is underscored.

19 SECTION 9. This Act, upon its approval, shall take effect
 20 on July 1, 2060.



Report Title:

Department of Human Services; Management Positions; Civil Service Exemptions.

Description:

Restores the permanently exempt second deputy director position for the Department of Human Services. Establishes a secretary, community/project development director, and policy director positions. Exempts certain identified DHS positions from civil service status for three years. Appropriates funds for the newly established positions. (HB2348 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

