RELATING TO HAWAII EMERGENCY MANAGEMENT AGENCY.

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

SECTION 1. The legislature finds that there continues to be an insufficient number of HIEMA staff and applicants to fill critical position vacancies with trained, experienced and qualified personnel. Exempting key positions from civil service will create the conditions for a responsive, flexible, and aggressive hiring system that will expedite the filling of these vacancies, as well as improve competitive recruiting and retention of qualified and experienced emergency management professionals. There will also be a reduction of risk to the State in having extended vacancies in these critical positions.

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

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

(1) Commissioned and enlisted personnel of the Hawaii National Guard as such, and positions in the Hawaii
National Guard that are required by state or federal laws or regulations or orders of the National Guard to be filled from those commissioned or enlisted personnel;

(2) Positions filled by persons employed by contract where the director of human resources development has certified that the service is special or unique or is essential to the public interest and that, because of 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;

(3) Positions that must be filled without delay to comply with a court order or decree if the director determines that recruitment through normal recruitment civil service procedures would result in delay or noncompliance, such as the Felix-Cayetano consent decree;

(4) Positions filled by the legislature or by either house or any committee thereof;
(5) Employees in the office of the governor and office of
the lieutenant governor, and household employees at
Washington Place;

(6) Positions filled by popular vote;

(7) Department heads, officers, and members of any board,
commission, or other state agency whose appointments
are made by the governor or are required by law to be
confirmed by the senate;

(8) Judges, referees, receivers, masters, jurors, notaries
public, land court examiners, court commissioners, and
attorneys appointed by a state court for a special
temporary service;

(9) One bailiff for the chief justice of the supreme court
who shall have the powers and duties of a court
officer and bailiff under section 606-14; one
secretary or clerk for each justice of the supreme
court, each judge of the intermediate appellate court,
and each judge of the circuit court; one secretary for
the judicial council; one deputy administrative
director of the courts; three law clerks for the chief
justice of the supreme court, two law clerks for each
associate justice of the supreme court and each judge
of the intermediate appellate court, one law clerk for
each judge of the circuit court, two additional law
clerks for the civil administrative judge of the
circuit court of the first circuit, two additional law
clerks for the criminal administrative judge of the
circuit court of the first circuit, one additional law
clerk for the senior judge of the family court of the
first circuit, two additional law clerks for the civil
motions judge of the circuit court of the first
circuit, two additional law clerks for the criminal
motions judge of the circuit court of the first
circuit, and two law clerks for the administrative
judge of the district court of the first circuit; and
one private secretary for the administrative director
of the courts, the deputy administrative director of
the courts, each department head, each deputy or first
assistant, and each additional deputy, or assistant
deputy, or assistant defined in paragraph (16);

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

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

(B) Effective July 1, 2003, teaching assistants,
educational assistants, bilingual/bicultural
school-home assistants, school psychologists,
psychological examiners, speech pathologists,
athletic health care trainers, alternative school
work study assistants, alternative school
educational/supportive services specialists,
alternative school project coordinators, and
communications aides in the department of
education;

(C) The special assistant to the state librarian and
one secretary for the special assistant to the
state librarian; and
(D) Members of the faculty of the University of
Hawaii, including research workers, extension
agents, personnel engaged in instructional work,
and administrative, professional, and technical
personnel of the university;

(12) Employees engaged in special, research, or
demonstration projects approved by the governor;

(13) (A) Positions filled by inmates, patients of state
institutions, persons with severe physical or
mental disabilities participating in the work
experience training programs;

(B) Positions filled with students in accordance with
guidelines for established state employment
programs; and

(C) Positions that provide work experience training
or temporary public service employment that are
filled by persons entering the workforce or
persons transitioning into other careers under
programs such as the federal Workforce Investment
Act of 1998, as amended, or the Senior Community
Service Employment Program of the Employment and
Training Administration of the United States
Department of Labor, or under other similar state programs;

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

(15) 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 and whose duties require only a portion of their time, if it is impracticable to ascertain or anticipate the portion of time to be devoted to the service of the State;

(16) Positions of first deputies or first assistants of each department head appointed under or in the manner provided in section 6, article V, of the Hawaii State Constitution; three additional deputies or assistants either in charge of the highways, harbors, and airports divisions or other functions within the department of transportation as may be assigned by the director of transportation, with the approval of the governor; four additional deputies in the department of health, each in charge of one of the following: behavioral health, environmental health, hospitals,
and health resources administration, including other functions within the department as may be assigned by the director of health, with the approval of the governor; an administrative assistant to the state librarian; and an administrative assistant to the superintendent of education;

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

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

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

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

(19) Household employees at the official residence of the president of the University of Hawaii;
(20) Employees in the department of education engaged in
the supervision of students during meal periods in the
distribution, collection, and counting of meal
tickets, and in the cleaning of classrooms after
school hours on a less than half-time basis;

(21) Employees hired under the tenant hire program of the
Hawaii public housing authority; provided that not
more than twenty-six per cent of the authority's
workforce in any housing project maintained or
operated by the authority shall be hired under the
tenant hire program;

(22) Positions of the federally funded expanded food and
nutrition program of the University of Hawaii that
require the hiring of nutrition program assistants who
live in the areas they serve;

(23) Positions filled by persons with severe disabilities
who are certified by the state vocational
rehabilitation office that they are able to perform
safely the duties of the positions;

(24) The sheriff;

(25) A gender and other fairness coordinator hired by the
judiciary;
1 (26) Positions in the Hawaii National Guard youth and adult
2 education programs;
3
4 (27) In the state energy office in the department of
5 business, economic development, and tourism, all
6 energy program managers, energy program specialists,
7 energy program assistants, and energy analysts; [and]
8
9 (28) Administrative appeals hearing officers in the
10 department of human services;

11 (29) In the Med-QUEST division of the department of human
12 services, the division administrator, finance officer,
13 health care services branch administrator, medical
14 director, and clinical standards administrator;

15 (30) In the director's office of the department of human
16 services, the enterprise officer, information security
17 and privacy compliance officer, security and privacy
18 compliance engineer, and security and privacy
19 compliance analyst; [and]

[+][31][+] The alzheimer's disease and related dementia
19 services coordinator in the executive office on
20 aging[−]; and

21 (32) In the Hawaii emergency management agency, the public
22 information officer, civil defense administrative

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officer, branch chiefs, and emergency operations
center state warning point personnel.

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

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

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.
SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY: 

BY REQUEST
Report Title:
Hawaii Emergency Management Agency

Description:
Converts the public information officer, civil defense administrative officer, branch chiefs, and emergency operations center state warning point personnel in the Hawaii Emergency Management Agency from civil service status to exempt status.

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

TITLE: A BILL FOR AN ACT RELATING TO HAWAII EMERGENCY MANAGEMENT AGENCY.

PURPOSE: To convert Hawaii Emergency Management Agency (HIEMA) civil service positions for all Branch Chiefs, the Public Information Officer, the Administrative Officer and Emergency Operations Center State Warning Point personnel to exempt positions.

MEANS: Amend section 76-16(b), Hawaii Revised Statutes.

JUSTIFICATION: There continues to be an insufficient number of HIEMA staff and applicants to fill critical position vacancies with trained personnel. Exempting these key positions from civil service will create the conditions for a responsive, flexible, and aggressive hiring system that will expedite the filling of these vacancies, as well as improve competitive recruiting and retention of qualified and experienced emergency management professionals. There will also be a reduction of risk to the State in having extended vacancies in key positions.

Impact on the public: The public will benefit by improved public safety and disaster and emergency responsiveness through the availability of highly qualified, ready and responsive HIEMA staff.

Impact on the department and other agencies: This will reduce the work load in the recruitment process to the Department of
Human Resources Development. The Department of Defense and all other agencies will also be positively impacted in disaster management response during emergencies as a result of a high quality and fully staffed HIEMA workforce.

GENERAL FUND: None.

OTHER FUND: None.

PPBS PROGRAM DESIGNATION: DEF 110.

OTHER AFFECTED AGENCIES: Department of Human Resources Development.

EFFECTIVE DATE: Upon approval.