

REPORT TO THE 2014 LEGISLATURE
ON POSITIONS EXEMPTED FROM THE CIVIL SERVICE
AS REQUIRED BY ACT 300,
SESSION LAWS OF HAWAII 2006

Department of Human Resources Development
December 2013

**As Required by
Act 300, Session Laws of Hawaii 2006**

Submitted by the Department of Human Resources Development
December 4, 2013

SUMMARY OF REPORT

Act 300, Session Laws of Hawaii (SLH) 2006, directs the Department of Human Resources Development (DHRD) to submit reports on exempt positions to the Legislature prior to each regular session.

Inasmuch as the Act establishes an ongoing annual reporting requirement, and in order to provide the Legislature with the most current data available, the period covered by each report will be from November 1 through October 31 of the applicable year. This report complies with the reporting requirements and provides a status report on the efforts to implement Act 300 for the period November 1, 2012, through October 31, 2013.

During the current reporting period, no exempt positions covered by Act 300 were replaced with civil service positions. However, twenty-four (24) exempt positions not covered by Act 300 were replaced with civil service positions.

BACKGROUND

Act 300, SLH 2006, was enacted to “comply with Act 253, SLH 2000.” The Act amended a number of statutory provisions that required positions to be exempt from civil service to allow discretion as to whether the positions should be civil service or exempt from civil service, and also directed DHRD and the Hawaii Government Employees Association (HGEA) “to work collaboratively to establish a logical, workable and fair process for converting positions in various departments, which are currently exempt from chapter 76, Hawaii Revised Statutes, to civil service positions.” The Act also granted rights to exempt employees who occupied the affected exempt positions for at least one year, and requires DHRD to submit a report on the conversions of exempt positions to the Legislature prior to each regular session.

DHRD and the HGEA subsequently entered into a Letter of Understanding (LOU) dated March 17, 2011 regarding the identification of positions for conversion. The LOU, whose effective date ends December 31, 2013, seeks to significantly increase the number of exempt positions identified for conversion to civil service in all departments of the Executive Branch, and requires DHRD to identify exempt positions that may be converted to civil service. DHRD has directed significant resources to the LOU in order to conduct a comprehensive review of positions in all departments that are exempt from civil service based on Sections 76-16(b)(12) and (17), Hawaii Revised Statutes.

To further facilitate an increase in the number of exempt positions replaced with civil service positions, DHRD revised Policy No. 1000.002, Appointment of Exempt Employees to Replacement Civil Service Positions, effective November 30, 2011. The policy extends the Act 300, SLH 2006 process to all appropriate conversions.

**ANNUAL REPORT ON
THE NUMBER OF EXEMPT POSITIONS REPLACED WITH CIVIL SERVICE
POSITIONS AND THE NUMBER OF EXEMPT POSITIONS REMAINING**

Act 300 requires DHRD to submit an annual report to the legislature that includes the following information:

1. The number of exempt positions that were converted to civil service during the previous twelve months; and
2. The number of exempt positions remaining in each State department after the conversions.

For the exempt positions that were converted to civil service, the report must also indicate:

1. When the position was established;
2. The purpose of the position; and
3. The rationale for the conversion.

Twenty-four (24) exempt positions were replaced with civil service positions within the period November 1, 2012 to October 31, 2013. The twenty-four exempt positions are not covered by Act 300.

As of November 1, 2013, 2,894 exempt positions remain. Aloha Stadium event positions (1,008), Student Helper and Student Intern positions (842), and Work Experience positions (2,191) are not included in the number of exempt positions remaining since such positions are not appropriate for conversion to civil service.

- Attachment 1 reflects, by department, the exempt positions that were replaced with civil service positions within the reporting period. Eighteen (18) positions were exempted under the provisions of Section 76-16 (b)(12), project; two (2) positions were exempted under Section 76-16(b)(17), other law; three (3) positions were exempted under Section 76-16(b)(3), consent decree; and one (1) position was exempted under Section 76-16(b)(18), foster grandparent program.

- Attachment 2 provides a summary of the number of exempt positions that were replaced with civil service positions in each department.
- Attachment 3 provides the number of exempt positions remaining within each department, as of November 1, 2013, broken down by the statutory basis for exemption.
- Attachment 4 is a new attachment that reflects, by department, the exempt positions that were identified for conversion to civil service; however, the incumbents elected to remain exempt pursuant to the applicable Policy No. 1000.002. The positions will be converted to civil service when the incumbents vacate those positions.

DATED: Honolulu, Hawaii, December 4, 2013.

Respectfully submitted,

A handwritten signature in cursive script that reads "Barbara Krieg".

BARBARA A. KRIEG, Director
Department of Human Resources Development

Attachments

CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2012 - OCTOBER 31, 2013

Department Accounting and General Services				Subsection 17	Subsection 12	Subsection 3				
Division	Exempt Pos No.	Changed Pos No.	CS Title	Purpose of Position	Established Date	Date of Conversion	Legal Authority	Proj Title	Name of Consent Decree	End Date of Consent Decree
Election Adm	00101154	00101154	General Professional V	Chief of Voter Services Branch. Supervises staff to achieve planned objectives and goals; plans, coordinates, and implements voter extraordinary voter registration programs to maximize and equalize voter registration; plans, develops and directs programs	07/08/80	11/01/12	11-5, HRS			

**CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2012 - OCTOBER 31, 2013**

Department of Attorney General												
Division	Exempt Pos No.	Changed Pos No.	CS Title	Purpose of Position	Established Date	Date of Conversion	Subsection 17		Subsection 12		Subsection 3	
							Legal Authority	Proj Title	Name of Consent Decree	End Date of Consent Decree		
HiCrJusD/Ctr	00119342	00119342	Office Assistant IV	Research and reconcile information between CJIS-Hawaii and the FBI to audit information maintained in CJIS-Hawaii and validate information reported to national files and registries, according to policies and procedures as defined by the FBI.	07/30/09	07/01/13		ARRA Compliance Special Project				
Investigatn	00119454	00119454	Investigator V	Conducts diverse, difficult, complex, and sensitive investigations involving criminal, civil, and other violations of various laws, rules and regulations occurring with the position's assigned area.	01/21/10	06/01/13		ARRA Compliance Special Project				
HiCrJusD/Ctr	00119341	00119341	Office Assistant IV	Research and reconcile information between CJIS-Hawaii and the Federal Bureau of Investigation (FBI) to audit information maintained in CJIS-Hawaii and validate information reported to national files and registries, according to policies and procedures.	07/30/09	07/01/13		ARRA Compliance Special Project				
HiCrJusD/Ctr	00119339	00119339	Office Assistant IV	Insure that all user agency contributed data in the CJIS-Hawaii system is timely, accurate, and complete.	07/30/09	07/01/13		ARRA Compliance Special Project				

Department of Attorney General

				Subsection 17	Subsection 12	Subsection 3				
Division	Exempt Pos No.	Changed Pos No.	CS Title	Purpose of Position	Established Date	Date of Conversion	Legal Authority	Proj Title	Name of Consent Decree	End Date of Consent Decree
HICr.JusDICTr	00119340	00119340	Office Assistant IV	Audit information maintained in CJIS-Hawaii and validate information reported to national files and registries, according to policies and procedures as defined by the FBI.	07/30/09	07/01/13		ARRA Compliance Special Project		
Investigatn	00119453	00119453	Investigator V	Conducts diverse, difficult, complex, and sensitive investigations involving criminal, civil, and other violations of various laws, rules and regulations occurring with the position's assigned area.	01/21/10	07/01/13		ARRA Compliance Special Project		

**CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2012 - OCTOBER 31, 2013**

Department of Business, Economic Development & Tourism				Subsection 17	Subsection 12	Subsection 3				
Division	Exempt Pos No.	Changed Pos No.	CS Title	Purpose of Position	Established Date	Date of Conversion	Legal Authority	Proj Title	Name of Consent Decree	End Date of Consent Decree
ComAg&OthP	00102015	00102015	Planner V	Planning & Policy Analyst, OP - This position is responsible for a wide range of planning, analysis, coordination and geographic information system development duties.	10/03/88	06/24/13		Geographic Information System		

**CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2012 - OCTOBER 31, 2013**

Department of Human Services				Subsection 17	Subsection 12	Subsection 3	Subsection 18				
Division	Exempt Pos No.	Changed Pos No.	CS Title	Purpose of Position	Established Date	Date of Conversion	Legal Authority	Proj Title	Name of Consent Decree	End Date of Consent Decree	Foster Grand Parent Program
OfcofDir	00117103	00117103	Office Assistant III	Perform clerical and administrative support for the Administrative Transition Support Team and Director's Office.	09/20/04	07/15/13		Administrative Transition Support Team			
OfcofDir	00117313	00120968	Public Information Officer	Provide administrative support to the divisions, staff offices and administratively attached agencies to enhance the dept's ability to address administrative requests and initiatives.	03/03/05	07/30/13		Administrative Transition Support Team			
SocSvcsDiv	00102400	00120789	Foster Grandparent Prgm Spclt	Recruit, train, place and supervise foster grandparents. Responsible for the daily operations of the program on Hawaii Island.	05/20/91	12/17/12					X

**CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2012 - OCTOBER 31, 2013**

Department of Health		Subsection 17				Subsection 12		Subsection 3		
Division	Exempt Pos No.	Changed Pos No	CS Title	Purpose of Position	Established Date	Date of Conversion	Legal Authority	Prof Title	Name of Consent Decree	End Date of Consent Decree
BhavrHlthAd	00119040	00120872	LPN - Mental Health (FP)	Performs practical nursing care and related technical work in the care, treatment and rehabilitation of mentally ill individuals	06/26/08	03/22/13		Hawaii State Hospital (HSH) Census Management		
BhavrHlthAd	00119042	00116500	PMA - Mental Health (FP)	Assist in the recovery and rehabilitation of patients.	06/26/08	12/16/12		Hawaii State Hospital (HSH) Census Management		
BhavrHlthAd	00103006	00120925	Personnel Mgmt Specialist III	To provide staff recruitment and placement, personnel transactions and records, and position classifications for positions effecting the felix class.	02/12/96	08/05/13		Behavioral Health Initiative		
HlthResAdm	00120201	00120851	Clinical Psychologist VI	DDD Psychologist - Provide consultation to clinical & case mgmt staff, behavioral assessments, determine eligibility & level of cognitive function, & short term care mgmt as needed	12/14/10	06/20/13			Makin	
HlthResAdm	00111638	00120796	Program Specialist IV	To develop and oversee the implementation of a statewide system of consumer directed services and supports	01/03/01	06/20/13			Makin	

Department of Health										
Subsection 17					Subsection 12			Subsection 3		
Division	Exempt Pos No.	Changed Pos No	CS Title	Purpose of Position	Established Date	Date of Conversion	Legal Authority	Proj Title	Name of Consent Decree	End Date of Consent Decree
DepDirOfHlth	00116644	00120785	Information Technol Spcit V	Responsible for preparing, directing, and coordinating planning, policies and program development for administration in the DOH.	01/20/04	12/11/12		Behavioral Health Initiative		
HlthResAdm	00117364	00120794	Information Technol Spcit V	Provides consultation and technical expertise in a highly specialized, complex area of information technology.	08/24/05	12/12/12		Epidemiology & Laboratory Capacity for Infectious Diseases (ELC)		

**CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2012 - OCTOBER 31, 2013**

Department of Public Safety				Subsection 17	Subsection 12	Subsection 3				
Division	Exempt Pos No.	Changed Pos No	CS Title	Purpose of Position	Established Date	Date of Conversion	Legal Authority	Proj Title	Name of Consent Decree	End Date of Consent Decree
IntakeSvcCtr	00118807	00118807	Human Svcs Prof IV	This position shall develop a standardized release process that assesses offender risks and needs, and the position shall work closely with other criminal justice and community based agencies to work toward the development of comprehensive offender case	12/04/07	07/01/13		Reentry Works Special Project (Enhancement) (AKA Re-Entry Works)		
IntakeSvcCtr	00118806	00118806	Human Svcs Prof IV	Responsible for planning, implementation, coordination and servicing of inmates and detainees who will be released back to the community	12/04/07	07/01/13		Reentry Works Special Project (Enhancement) (AKA Re-Entry Works)		
IntakeSvcCtr	00118808	00118808	Human Svcs Prof IV	This position is responsible for the planning, implementation, coordination and servicing of inmates and detainees who will be released back to the community.	12/04/07	07/01/13		Reentry Works Special Project (Enhancement) (AKA Re-Entry Works)		
IntakeSvcCtr	00118805	00118805	Human Svcs Prof IV	Coordinates and services inmates and detainees who will be released back to the community.	12/04/07	07/01/13		Reentry Works Special Project (Enhancement) (AKA Re-Entry Works)		
IntakeSvcCtr	00100935	00100935	Intake Service Center Adminstr		03/08/76	03/12/13	ACT 128, SLH 1976			

Summary of Converted Positions [Exempt to Civil Service]
November 1, 2012 - October 31, 2013

	AGR	AGS	ATG	BED	BUF	CCA	DEF	GOV	HHL	HMS	HRD	HTH	LBR	LIB	LNR	LTG	PSD	TAX	TRN	UOH	TOTALS	
Positions - Subsection (18)*										60												60
Replaced with Civil Service										1												1
Remain Exempt**	0	0	0	0	0	0	0	0	0	59	0	0	0	0	0	0	0	0	0	0	0	59

Positions - Subsection (17)*	21	1072	13	152	198	174	9	1	114	54		83	56	3	75	22	71	20	9			2147
Replaced with Civil Service		1															1					2
Remain Exempt**	21	1071	13	152	198	174	9	1	114	54	0	83	56	3	75	22	70	20	9	0	0	2145

Positions - Subsection (12)*			14	44	2		119			32			525	1	9		9		15			770
Replace with Civil Service			6	1						2			5				4					18
Remain Exempt**	0	0	8	43	2	0	119	0	0	30	0	520	1	0	9	0	5	0	15	0	0	752

Positions - Subsection (3)*										1		15					15					31
Replace with Civil Service												2					1					3
Remain Exempt**	0	0	0	0	0	0	0	0	0	1	0	13	0	0	0	0	14	0	0	0	0	28
Total Converted Positions	0	1	6	1	0	0	0	0	0	3	0	7	0	0	0	0	6	0	0	0	0	24

Notes:
*HRMS data as of 11/01/2012.
**Does not include abolished or new positions

Attachment 3

Summary of Exempt Positions by HRS 76-16(b) Subsections and Department

Subsection	AGR	AGS	ATG	BED	BUF	CCF	DEF	GOV	HHL	HMS	HRD	HTH	LBR	LIB	LNR	LIG	PSD	TAX	TRN	UOH	Total	
1							16															16
3						6						11					5					22
5		3						65								12						80
6								1								1						2
7	1	2	1	1	2	1	1	1	1	1	1	2	7		1		6	1	1			30
9	2	2	2	2	2	2	2		2	2	2	5	2		3		4	2	5	19		60
10			223																			223
11														2								2
12		7	5	41	2		141			39		488			8		7		15			753
14															1							1
15												6							15	215		236
16	1	1	1	1	1	1	1	1	1	1	1	4	1	1	1			1	4			21
17	21	75	12	156	198	175	6	1	120	53		88	56	2	86	11	76	24	9			1169
18										57												57
19																					1	1
21										40												40
22																					15	15
23												1							2	1		4
24																	1					1
26							113															113
27										48												48
Total	25	90	243	201	205	185	280	67	124	241	4	605	66	5	100	24	99	28	51	251	2894	

Note:
 HRMS data as of 11/01/13
 The following positions are not included in the counts:
 1,008 Aloha Stadium event positions (AGS subsection 17)
 842 Student Helper & Student Intern positions (subsection 13)
 2,191 Work Experience positions (LBR subsection 13)

**Exempt Positions Identified for Replacement with Civil Service Positions but Employees Elected to Remain Exempt
NOVEMBER 1, 2012 - OCTOBER 31, 2013**

Department of Commerce and Consumer Affairs				Subsection 17	Subsection 12	Subsection 3		
Division	Exempt Pos No.	Exempt Title	Purpose of Position	Established Date	Legal Authority	Proj Title	Name of Consent Decree	End Date of Consent Decree
CableTV	00102763	CATV Program Specialist	Independently performs complex administrative work assignments relating to the execution & regulation of cable communication.	12/17/01	440G-12(D), HRS			
Info Sys	00111109	ISCO IT Specialist V	Maintains responsibility for projects that are broader in scope & highly complex in nature in the Custom Applications Branch of ISCO	11/22/10	26-9 (O), HRS			
Info Sys	00113111	ISCO Computer Technician II	Performs simple to moderately complex work assignment to the computer infrastructure in the Solutions Branch of ISCO	10/16/08	26-9 (O), HRS			
Info Sys	00113112	ISCO Computer Technician II	Performs simple to moderately complex work assignment to the computer infrastructure in the Solutions Branch of ISCO	10/16/08	26-9 (O), HRS			
Info Sys	00119346	ISCO Data Processing Systems Analyst IV	Responds to requests from departmental or divisional sources to introduce new systems, enhance or correct existing systems in the Custom Applications Branch.	08/19/09	26-9 (O), HRS			
P&VL Dv	00108004	Reg Bd/Comm Administrative Assistant II	Maintains close liaison with members of the boards & commissions & division administrator, advising and consulting with assigned boards as to their needs.	01/20/99	26-9 (O), HRS			

**Exempt Positions Identified for Replacement with Civil Service Positions but Employees Elected to Remain Exempt
NOVEMBER 1, 2012 - OCTOBER 31, 2013**

Department of Health				Subsection 17	Subsection 12	Subsection 3		
Division	Exempt Pos No.	Exempt Title	Purpose of Position	Established Date	Legal Authority	Proj Title	Name of Consent Decree	End Date of Consent Decree
IRA	00120201	DDD Psychologist	Provide consultation, conduct behavioral assessments, determine eligibility and level of cognitive functions, and provide short term care.	12/14/10			Makin-Olm	