

**Report to the Twenty-Fifth State Legislature
2010 Regular Session**

**On
Number of Exempt Positions Converted to Civil Service Positions
During the Previous Twelve Months**

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

Submitted by the Department of Human Resources Development
December 30, 2009

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. In addition, the Act:

1. Amended a number of statutory provisions that required that positions be exempt from civil service to allow discretion as to whether the positions should be civil service or exempt from civil service.
2. Directed the Department of Human Resources Development (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."
3. Granted rights to exempt employees who occupied the affected exempt positions for at least one year.

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, 2008 through October 31, 2009.

During the reporting period, 25 exempt positions covered by Act 300 have been replaced with civil service positions. In addition, 17 exempt positions not covered by Act 300 have been replaced with civil service positions.

PART I INTRODUCTION

Act 300 allows covered exempt positions to be converted to civil service or to remain exempt from civil service. Act 300 also grants the following rights to employees who have occupied an exempt position covered by the Act for at least one year at the time that it is to be replaced by a civil service position:

1. The employee shall have a one-time election to remain exempt from civil service, provided that when the employee vacates the position, the position shall be converted to civil service.
2. If the employee elects to become civil service, the employee shall be appointed to the position, provided that the employee meets the minimum qualification requirements of the civil service class and any other applicable public employment requirements.
3. If the employee is appointed to the civil service position, the employee's compensation shall be determined according to the applicable collective bargaining agreement or supplemental agreement covering exempt employees without loss of seniority, prior service credit, accrued vacation, accrued sick leave, or other employee benefits.

Act 300 obligates DHRD to submit reports to the Legislature prior to each regular session which include, but are not limited to the following:

1. The number of exempt positions that were converted to civil service during the previous twelve months.
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.
3. The rationale for the conversion.

This report provides the required information and also covers the progress made in implementing the provisions of the Act during the reporting period.

PART II POSITION CLASSIFICATION

In many instances, exempt positions that are identified for replacement with civil service positions can be allocated to existing civil service classes. However, in some cases new civil service classes will have to be established in order to replace exempt positions with civil service positions. The establishment of civil service classes is time-consuming. In order to avoid delays, professional positions may be allocated to generic professional classes on an interim basis until the new classes are established.

The vast majority of clerical or paraprofessional exempt positions that are identified for replacement with civil service positions can be allocated to existing classes of work. Therefore, there has been no attempt to establish any generic clerical or paraprofessional classes.

PART III ANNUAL REPORT ON THE NUMBER OF EXEMPT POSITIONS AND THE NUMBER OF EXEMPT POSITIONS REPLACED WITH CIVIL SERVICE POSITIONS

Pursuant to Act 300, DHRD is obligated to submit to the Legislature prior to each regular legislative session, a report regarding exempt positions that have been replaced with civil service positions within the previous twelve months, and the remaining number of exempt positions in each department. Attachment 1 provides the required information, by department, regarding exempt positions that were replaced with civil service positions within the period November 1, 2008 through October 31, 2009. All of the positions were exempted under the provisions of Section 76-16 (b) (12) - project, or (17) - other law, HRS. Attachment 2 provides a summary of the exempt positions that were replaced with civil service positions.

The Department of Human Services, the Department of Labor and Industrial Relations, and the Department of Commerce and Consumer Affairs account for 37 of the forty two (42) exempt positions that were replaced with civil service positions. The Department of Human Services and the Department of Labor and Industrial Relations (includes 10 Act 300 positions) replaced 11 exempt positions with civil service positions each and the Department of Commerce and Consumer Affairs replaced 15 Act 300 exempt positions with civil service positions.

Attachment 3 provides the number of exempt positions remaining within each department, as of November 1, 2009, broken down by the statutory basis for exemption.

DATED: Honolulu, Hawaii, December 30, 2009.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Marie C. Laderta", written over a horizontal line.

Marie C. Laderta, Director
Department of Human Resources
Development

Attachments

Attachment 1 - ATG

**CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2008 - OCTOBER 31, 2009**

Department		Attorney General					Subsection 17	Subsection 12
Division	Exempt Pos. No.	CS Pos. No.	CS Title	Purpose of Position	Date Established	Date of Conversion	Legal Authority	Proj Title
LeglSvcBrCrJ	00111749	00119240	Information Technol Spclt V	The primary purpose of this position is to perform forensic analysis of computer digital related evidence recovered in the Hawaii Internet and Technology Crimes Unit (HITeC) investigations for prosecutorial or other legal consideration and providing technical computer support or assistance.	2/1/2001	4/28/2009		Hawaii High Technology Crime Unit

Attachment 1 - BED

**CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2008 - OCTOBER 31, 2009**

Department Business, Economic Development and Tourism							Subsection 17	Subsection 12
Division	Exempt Pos. No.	CS Pos. No.	CS Title	Purpose of Position	Date Established	Date of Conversion	Legal Authority	Proj Title
Creative Ind	00117019	00119293	Professional Worker III	Administrative support to the Hawaii Television & Film Development Board & the Film Industry Branch. Monitors contracts.	7/1/2004	5/1/2009		Film Industry Productions & Studio Construction Project

Attachment 1 - CCA

**CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2008 - OCTOBER 31, 2009**

Department		Commerce and Consumer Affairs				Subsection 17	Subsection 12	
Division	Exempt Pos. No.	CS Pos. No.	CS Title	Purpose of Position	Date Established	Date of Conversion	Legal Authority	Proj Title
RegIndustCmp	00102742	00119177	Office Assistant III	Clerical services for the Consumer Resource Center.	11/16/1993	11/1/2008	ACT 300, SLH 2006	
RegIndustCmp	00101837	00119170	Legal Secretary	Provide supervision for the Legal Steno Services section of the Regulated Industries Complaints Office's legal staff and to serve as secretary to the Supervising Attorney.	10/5/1987	11/1/2008	ACT 300, SLH 2006	
RegIndustCmp	00101299	00119169	Legal Clerk	Provide stenographic services to a staff of attorneys.	8/12/1982	11/1/2008	ACT 300, SLH 2006	
RegIndustCmp	00101297	00119168	Legal Clerk	Provide stenographic services to a staff of attorneys including taking and transcribing dictation or drafts of letters, forms, documents such as petitions for hearings, position memoranda of law, motions, and post-hearing briefs, and other matters relating to legal proceedings; checks citations; prepares legal documents and papers.	8/12/1982	11/1/2008	ACT 300, SLH 2006	
BusRegtnDiv	00111487	00119242	Legal Secretary	Clerical support	10/2/2000	3/1/2009	ACT 300, SLH 2006	

Attachment 1 - CCA

Department		Commerce and Consumer Affairs				Subsection 17	Subsection 12	
Division	Exempt Pos. No.	CS Pos. No.	CS Title	Purpose of Position	Date Established	Date of Conversion	Legal Authority	Proj Title
BusRegtnDiv	00106299	00119243	Legal Clerk	Clerical Services	12/16/1997	3/1/2009	ACT 300, SLH 2006	
BusRegtnDiv	00102528	00119244	Legal Clerk	Provide stenographic services to a staff of attorneys.	6/18/1992	3/1/2009	ACT 300, SLH 2006	
RegIndustCmp	00101303	00119155	Office Assistant IV	Provide administrative, logistical, typing and complaint processing support to the neighbor island Regulated Industries Complaints Office.	8/10/1982	11/1/2008	ACT 300, SLH 2006	
RegIndustCmp	00102371	00119180	Office Assistant IV	Provide over-all supervision of the Clerical Services Section; administrative & logistical support to the investigative staff; evaluating work of subordinates & establishing adequate and standard work performance levels.	11/28/1990	11/1/2008	ACT 300, SLH 2006	
RegIndustCmp	00106284	00119178	Office Assistant III	Provide clerical services for the Consumer Resource Center.	5/21/1993	11/1/2008	ACT 300, SLH 2006	
Insurance	00102735	00119028	Office Assistant III	Clerical services	8/9/1993	5/1/2009	ACT 300, SLH 2006	

Attachment 1 - CCA

Department		Commerce and Consumer Affairs					Subsection 17	Subsection 12
Division	Exempt Pos. No.	CS Pos. No.	CS Title	Purpose of Position	Date Established	Date of Conversion	Legal Authority	Proj Title
Insurance	00111882	00119185	Office Assistant III	Receive/process applications, licenses, & appointments for license renewals, inactivation, reinstatement of license; maintenance/update records in the licensing database; provide complex clerical and typing services.	3/29/2001	11/1/2008	ACT 300, SLH 2006	
Insurance	00111881	00119027	Office Assistant III	Clerical services	3/27/2001	5/1/2009	ACT 300, SLH 2006	
Insurance	00103217	00119026	Legal Clerk	Clerical services	1/12/1993	5/1/2009	ACT 300, SLH 2006	
RegIndustCmp	00106285	00119179	Office Assistant III	Provide clerical services for the Consumer Resource Center.	5/21/1993	11/1/2008	ACT 300, SLH 2006	

CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2008 - OCTOBER 31, 2009

Department		Human Services				Subsection 17		Subsection 12
Division	Exempt Pos. No.	CS Pos. No.	CS Title	Purpose of Position	Date Established	Date of Conversion	Legal Authority	Proj Title
HI PubHsAu	00103013	00119182	Secretary I	Secretary to the Homeless Prgms Br Admr and is responsible for the general office administration, in addition to regular secretarial and clerical duties.	6/4/1993	12/1/2008	356D-2	
Med-QuestDiv	00110968	00119188	Office Assistant III	To respond to telephone calls, address questions related to medical assistance programs and its relationship to enrollment policy for QUEST, verify recipient eligibility and enroll/disenroll appropriately.	7/1/2000	11/20/2008		Hawaii QUEST Demonstration Project
Med-QuestDiv	00110970	00119186	Office Assistant III	To respond to telephone calls, address questions related to medical assistance programs and its relationship to enrollment policy for QUEST, verify recipient eligibility and enroll/disenroll appropriately.	7/1/2000	11/20/2008		Hawaii QUEST Demonstration Project

Attachment 1 - HMS

Department		Human Services					Subsection 17	Subsection 12
Division	Exempt Pos. No.	CS Pos. No.	CS Title	Purpose of Position	Date Established	Date of Conversion	Legal Authority	Proj Title
Med-QuestDiv	00110969	00119187	Office Assistant III	To respond to telephone calls, address questions related to medical assistance programs and its relationship to enrollment policy for QUEST, verify recipient eligibility and enroll/disenroll appropriately.	7/1/2000	11/20/2008		Hawaii QUEST Demonstration Project
HI PubHsAu	00111494	00119190	Housing Qual Stds Insp II	Conduct housing quality systems inspection services.	8/16/2000	4/27/2009	HRS 356D-2; ACT 158, 2008	
HI PubHsAu	00111493	00119191	Housing Qual Stds Insp II	Conduct housing quality systems inspection services.	8/16/2000	4/27/2009	HRS 356D-2; ACT 158, 2008	
HI PubHsAu	00102459	00119226	Building Const Inspector II	Inspection and reporting on the Corporations construction projects or projects assigned by the Corporation for conformance to plans and specifications.	9/19/1991	4/8/2009	HRS 356D-2; ACT 158, 2008	
HI PubHsAu	00111492	00119192	Housing Qual Stds Insp II	Conduct housing quality systems inspection services.	8/16/2000	4/27/2009	HRS 356D-2; ACT 158, SLH 2008	
HI PubHsAu	00101275	00119199	Housing Qual Stds Insp II	Conduct housing quality systems inspection services.	4/13/1989	4/27/2009	HRS 356D-2; ACT 158, 2008	

Attachment 1 - HMS

Department		Human Services					Subsection 17	Subsection 12
Division	Exempt Pos. No.	CS Pos. No.	CS Title	Purpose of Position	Date Established	Date of Conversion	Legal Authority	Proj Title
HI PubHsAu	00100572	00119198	Housing Qual Stds Insp II	Conduct housing quality systems inspection services.	4/13/1989	4/27/2009	HRS 356D-2; ACT 158, SLH 2008	
Med-QuestDiv	00110972	00119189	Office Assistant III	Respond to telephone calls, address questions related to medical assistance programs and its relationship to enrollment policy for QUEST, verify recipient eligibility and enroll/disenroll appropriately.	7/1/2000	11/20/2008		Hawaii QUEST Demonstration Project

CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2008 - OCTOBER 31, 2009

Department		Health					Subsection 17	Subsection 12
Division	Exempt Pos. No.	CS Pos. No.	CS Title	Purpose of Position	Date Established	Date of Conversion	Legal Authority	Proj Title
EnvrnHlthAdm	00117783	00119133	Public Health Adm Officer IV	Responsible for performing professional accounting work and financial management services to assure compliance with earmark grant requirements; advises the long term care project manager in making sound financial management decisions.	2/27/2006	11/20/2008		Gov's initiative on long term living and strategic planning to address long term care needs and Certified Nurse Aide (CNA) training program.

CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2008 - OCTOBER 31, 2009

Department		Labor and Industrial Relations						Subsection 17	Subsection 12
Division	Exempt Pos. No.	CS Pos. No.	CS Title	Purpose of Position	Date Established	Date of Conversion	Legal Authority	Proj Title	
Res&StatsOfc	00111009	00119282	Research Statistician I	The primary purpose of this position is to conduct career and related information analysis for the Career Information Delivery System (CIDS). Performs data collection and analytical review of information; develops narratives and presentation materials.	7/14/2000	3/23/2009	Act 300, SLH 2006		
Res&StatsOfc	00102219	00119281	Research Statistician III	Conduct career and related information analysis for the CIDS.	2/20/1990	3/23/2009	Act 300, SLH 2006		
Res&StatsOfc	00101110	00119279	Research Statistician IV	Manage and conduct activities of career information development and analysis for the CIDS.	11/15/1979	3/23/2009	Act 300, SLH 2006		
Res&StatsOfc	00100392	00119278	Program Specialist III	Develop, maintain, and coordinate user support services, equipment, and materials to promote CIDS usage and implementation.	3/19/1984	3/23/2009	Act 300, SLH 2006		

Attachment 1 - LBR

Department Labor and Industrial Relations							Subsection 17	Subsection 12
Division	Exempt Pos. No.	CS Pos. No.	CS Title	Purpose of Position	Date Established	Date of Conversion	Legal Authority	Proj Title
Res&StatsOfc	00101109	00119277	Program Specialist V	The primary purpose of this position is to supervise the activities of the program and is responsible for the direction and coordination of all research activities associated with the development, installation, maintenance and operation of a comprehensive Career Information Delivery System.	11/15/1979	3/23/2009	Act 300, SLH 2006	
Res&StatsOfc	00101142	00119211	Office Assistant IV	The purpose of this position is to provide administrative and clerical support to the CIDS program.	2/12/1980	12/10/2008	Act 300, SLH 2006	

Attachment 1 - LBR

Department Labor and Industrial Relations							Subsection 17	Subsection 12
Division	Exempt Pos. No.	CS Pos. No.	CS Title	Purpose of Position	Date Established	Date of Conversion	Legal Authority	Proj Title
WrkfrceDevDv	00103058	00119284	Employment Service Spclt IV	Performs program evaluation and development activities; formulates and recommends goals, objectives, policies for programs to carry out; implements and oversees the maintenance and utilization of a project management system. Develops interfacing sub-systems, procedures, and forms to gather and compile quantitative input information.	10/11/1993	4/13/2009	Act 300, SLH 2006	
AdminSvcsOfc	00101111	00119276	Information Technol Spclt IV	This position is the overall responsibility for the implementation and maintenance of the computerized career information delivery system.	11/15/1979	4/6/2009	Act 300, SLH 2006	
Res&StatsOfc	00101141	00119280	Research Statistician III	Conducts career and related information analysis for the CIDS.	2/12/1980	3/23/2009	Act 300, SLH 2006	

Attachment 1 - LBR

Department Labor and Industrial Relations							Subsection 17	Subsection 12
Division	Exempt Pos. No.	CS Pos. No.	CS Title	Purpose of Position	Date Established	Date of Conversion	Legal Authority	Proj Title
AdminSvcsOfc	00101020	00119286	Account Clerk V	Performs the maintenance of the Federal Job Training Partnership Act (JTPA) and Senior Community Service Employment Program (SCSEP) ledgers and other clerical work in the maintenance of accounts and quantitative records. There is regular contact with state agencies and non-profit organizations in obtaining or furnishing information for CETA reports.	10/17/1977	5/6/2009	371-18 HRS	
Res&StatsOfc	00101143	00119197	Office Assistant III	Processes invoices to users, processes payments and makes deposits; creates requisitions, maintains CIDS user account info; maintains database; answers telephones.	2/12/1980	11/25/2008	Act 300, SLH 2006	

CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2008 - OCTOBER 31, 2009

Department		Public Safety					Subsection 17	Subsection 12
Division	Exempt Pos. No.	CS Pos. No.	CS Title	Purpose of Position	Date Established	Date of Conversion	Legal Authority	Proj Title
HealthCareDv	00118074	00118074	Medical Record Technician V	Provide paraprofessional health information services at OCCC; maintain inmate records; manage flow of health information.	7/25/2006	6/30/2009		OCCC Mental Health Clinical Audit Compliance
CorrsPrgSvcs	00117279	00117279	Program Specialist V	This position is responsible for assisting with the implementation of the goals and objectives articulated in the Sex Offender Treatment Project.	1/16/2005	5/12/2009		Sex Offender Treatment Improvement Project

Attachment 2

Summary of Converted Positions [Exempt to Civil Service] November 1, 2008 - October 31, 2009

	AGR	AGS	ATG	BED	BUF	CCA	DEF	GOV	HHL	HMS	HRD	HTH	LBR	LIB	LNR	LTG	PSD	TAX	TRN	UOH	TOTALS	
Positions - Subsection (17)*	22	1070	14	153	186	179	11	2	115	65	0	83	63	3	82	22	69	17	9	0	2165	
Replace with Civil Service						15				7			11									33
Remain Exempt**	22	1070	14	153	186	164	11	2	115	58	0	83	52	3	82	22	69	17	9	0	2132	

Positions - Subsection (12)*	1	6	4	28	6	1	103	0	0	56	1	195	6	0	10	0	16	4	5	0	442	
Replace with Civil Service			1	1						4		1					2					9
Remain Exempt**	1	6	3	27	6	1	103	0	0	52	1	194	6	0	10	0	14	4	5	0	433	

Total Converted Positions	0	0	1	1	0	15	0	0	0	11	0	1	11	0	0	0	2	0	0	0	42
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Notes:

*HRMS data as of 11/01/2008.

Effective 7/01/2005, DOE (except LIB (public libraries) not included in the report pursuant to Act 51, SLH 2004.

Aloha Stadium event positions are included in count for AGS subsection 17.

**Does not include abolished or new positions

Attachment 3

Summary of exempt Positions by Subsections and Department

Subsection	AGR	AGS	ATG	BED	BUF	CCA	DEF	GOV	HHL	HMS	HRD	HTH	LBR	LIB	LNR	LTG	PSD	TAX	TRN	UOH	Total
1							14														14
3										2		25					12				39
5								54								15					69
6								1								1					2
7	1	2	1	1	2	1	1		1	1	1	2	7		1		4	1	1		28
9	2	2	1	2	2	2	2		2	2	2	5	1	1	3		4	2	5	19	59
10			228																		228
12	1		26	35	5		111			36	1	485	5		9		9		4		727
13		27	38	54	56	35	6		64	1	19	13	1701	210	66	5			315		2610
14															1						1
15												11							15	213	239
16	1	1		1	1	1	1		1	1	1	4	1	1	1			1	4		21
17	21	1068	14	151	180	162	11	1	114	59		81	41	3	72	22	74	20	9		2103
18										59											59
19																				1	1
21										40											40
22																				15	15
23												1							2	1	4
25																	2				2
27							75														75
Total	26	1100	308	244	246	201	221	56	182	201	24	627	1756	215	153	43	105	24	355	249	6336

Note:

HRMS data as of 11/1/2009

Aloha Stadium event positions (1014) are included in count for AGS subsection 17.

Student Helper & Student Intern positions (917) are included in department counts for subsection 13.

Work Experience positions (1693) are included in count for LBR subsection 13.