

**Report to the Twenty-Sixth State Legislature
2011 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 15, 2010

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 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, 2009, through October 31, 2010.

During the reporting period, no exempt positions covered by Act 300 have been replaced with civil service positions. However, four (4) 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. Such a case is reflected in this report.

DHRD established a new class for replacement civil service position number 101214. The new "Housing Quality Standards Inspector III" class is reflected in Attachment 1 of the report under the Department of Human Services.

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

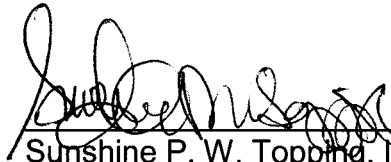
Pursuant to Act 300, DHRD is obligated to submit to the Legislature prior to each regular legislative session, a report regarding exempt positions that have been replaced with civil service positions within the previous twelve months, and the remaining number of exempt positions in each department. Attachment 1 provides the required information, by department, regarding exempt positions that were replaced with civil service positions within the period November 1, 2009, through October 31, 2010. 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 Attorney General and the Department of Human Services account for two (2) of the four (4) exempt positions that were replaced with civil service positions, and the Department of Budget and Finance account for the other two (2). However, no Act 300 exempt positions were replaced with civil service positions during this reporting period.

Attachment 3 provides the number of exempt positions remaining within each department, as of November 1, 2010, broken down by the statutory basis for exemption.

DATED: Honolulu, Hawaii, December 15, 2010.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sunshine P. W. Topping", written over a horizontal line.

Sunshine P. W. Topping, Interim Director
Department of Human Resources
Development

Attachments

**CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2009 - OCTOBER 31, 2010**

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
HICrJusDtCtr	00107707	00107707	Information Technol Spclt V	This position is responsible for providing the highly technical expertise in the data processing areas of telecommunication, network, security, Internet technology, database management, and application development tools required for the project to redesign the OBTS/CCH system.	1/7/1999	2/11/2010		Redesign of OBTS/CCH (renamed CJIS-HI) Syst

CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2009 - OCTOBER 31, 2010

Department		Budget and Finance					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
Financial Administration	00119539	00120126	Office Assistant III	Unclaimed Property Mobile Services Agent-Position is primarily responsible for customer service in mobile unit and office counter in claims filing and responding to telephone and walk-in inquiries.	7/1/2010	8/10/2010		Unclaimed Property Public Awareness and Outreach Project
Financial Administration	00119540	00120127	Office Assistant III	Unclaimed Property Mobile Services Agent-Position is primarily responsible for customer service in mobile unit and office counter in claims filing and responding to telephone and walk-in inquiries.	7/1/2010	8/10/2010		Unclaimed Property Public Awareness and Outreach Project

**CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2009 - OCTOBER 31, 2010**

Department Human Services							Subsection 17	Subsection 12
Division	Exempt Pos. No.	Changed Pos. No.	CS Title	Purpose of Position	Date Established	Date of Conversion	Legal Authority	Proj Title
HI PubHsAu	00101214	00101214	Housing Qual Stds Insp III	Determining methods, procedures, scheduling of work activities, evaluates the assignment of personnel to ensure that all program requirements are met.	4/13/1989	10/19/2010	HRS 356D-2; ACT 162, SLH 2009	

Attachment 2

**Summary of Converted Positions [Exempt to Civil Service]
November 1, 2009 - October 31, 2010**

	AGR	AGS	ATG	BED	BUF	CCA	DEF	GOV	HHL	HMS	HRD	HTH	LBR	LIB	LNR	LTG	PSD	TAX	TRN	UOH	TOTALS	
Positions - Subsection (17)*	21	1068	14	151	180	162	11	1	114	59	0	81	41	3	72	22	74	20	9	0	2103	
Replace with Civil Service										1												1
Remain Exempt**	21	1068	14	151	180	162	11	1	114	58	0	81	41	3	72	22	74	20	9	0	2102	

Positions - Subsection (12)*	1	0	26	35	5	0	111	0	0	36	1	485	5	0	9	0	9	0	4	0	727	
Replace with Civil Service			1		2																	3
Remain Exempt**	1	0	25	35	3	0	111	0	0	36	1	485	5	0	9	0	9	0	4	0	724	

Total Converted Positions	0	0	1	0	2	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	4
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Notes:

*HRMS data as of 11/01/2009.

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

Aloha Stadium event positions (1014) 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	LIB	LBR	LNR	LTG	PSD	TAX	TRN	UOH	Total
1							15														15
3										2		21					16				39
5								47								15					62
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	4	1	1	3		4	2	5	19	58
10			227																		227
12			31	45	7		119			36	1	528		1	9		10		15		802
13		27	38	54	56	35	6		64	1	19	13	210	2199	66	5			315		3108
14															1						1
15												6							15	213	234
16	1	1		1	1	1	1		1	1	1	3	1	1	1			1	4		20
17	21	1068	12	153	189	171	8	1	114	51		81	3	56	73	22	74	20	9		2126
18										59											59
19																				1	1
21										40											40
22																				15	15
23												1							2	1	4
25																	2				2
27							120														120
Total	25	1100	310	256	257	210	272	49	182	193	24	659	215	2265	154	43	110	24	366	249	6963

Note:

HRMS data as of 11/1/2010

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 (2191) are included in count for LBR subsection 13.