

**Report to the Twenty-Sixth State Legislature
2012 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 9, 2011

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, 2010, through October 31, 2011.

During the current reporting period, nine (9) exempt positions covered by Act 300 have been replaced with civil service positions. In addition, eleven (11) exempt positions not covered by Act 300 have been 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.

During the previous reporting period (November 1, 2009 to October 31, 2010), only 4 exempt positions were replaced with civil service positions. Consequently, during the 2011 Legislature, Senate Bill 1090 was introduced to mandate the conversion of exempt positions to civil service positions. The measure was deferred as DHRD and the HGEA entered into a Letter of Understanding (LOU) dated March 17, 2011. The LOU, which is effective until June 30, 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 is in the process of identifying such positions.

To further facilitate an increase in the number of exempt positions replaced with civil service positions, the Department of Human Resources Development revised Policy No. 1000.002, Appointment of Exempt Employees to Replacement Civil Service Positions, effective November 30, 2011. The policy now 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, but is not limited to 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.

This report provides the information required by Act 300 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.

Twenty (20) exempt positions were replaced with civil service positions¹ within the period November 1, 2010 to October 31, 2011. Nine (9) of those positions are covered by Act 300, and eleven (11) of those positions are not covered by Act 300.

As of November 1, 2011, 6,971 exempt positions remain. Of the remaining exempt positions, 1,014 are Aloha Stadium event positions, 917 are Student Helper and Student Intern positions, and 2,191 are Work Experience positions, none of which are 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. All of the positions were exempted under the provisions of Section 76-16 (b) (12) - project, or (17) - other law, Hawaii Revised Statutes.
- Attachment 2 provides a summary of the number of exempt positions that were replaced with civil service positions in each department. The Department of Health replaced eight (8) exempt positions with civil service positions, the Department of Budget and Finance replaced three (3) positions, the Department of Commerce and Consumer Affairs replaced six (6) positions, and the Department of Land and Natural Resources replaced three (3) positions. The nine (9) exempt positions in the Departments of Commerce and Consumer Affairs and Land and Natural Resources that were replaced with civil service positions were covered under Act 300.
- Attachment 3 provides the number of exempt positions remaining within each department, as of November 1, 2011, broken down by the statutory basis for exemption.

DATED: Honolulu, Hawaii, December 9, 2011.

Respectfully submitted,



BARBARA A. KRIEG

Interim Director

Department of Human Resources Development

Attachments

¹ DHRD established a new class, Principal Archaeologist, for 2 positions in DLNR; the rest of the positions were allocated to existing civil service classes of work.

Attachment 1 - BUF

**CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2010 - OCTOBER 31, 2011**

Department		Budget and Finance					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
Financial Administration	119536	120194	Program Specialist III	Unclaimed Property Program Specialist-Position is primarily responsible for assisting the Unclaimed Property Manager in designing, developing, and executing the plans, projects, and activities to meet the objectives and requirements of the State's Unclaimed Property Program.	7/1/2010	11/1/2010		Unclaimed Property Public Awareness and Outreach Project
Financial Administration	119537	120195	Program Specialist III	Unclaimed Property Program Specialist-Position is primarily responsible for assisting the Unclaimed Property Manager in designing, developing, and executing the plans, projects, and activities to meet the objectives and requirements of the State's Unclaimed Property Program.	7/1/2010	11/1/2010		Unclaimed Property Public Awareness and Outreach Project

Attachment 1 - BUF

Department		Budget and Finance					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
Financial Administration	119538	120196	Program Specialist III	Unclaimed Property Program Specialist-Position is primarily responsible for assisting the Unclaimed Property Manager in designing, developing, and executing the plans, projects, and activities to meet the objectives and requirements of the State's Unclaimed Property Program.	7/1/2010	11/1/2010		Unclaimed Property Public Awareness and Outreach Project

**CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2010 - OCTOBER 31, 2011**

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
ConsumerProt	102720	120363	Investigator IV	The Investigator gathers information, prepares reports, provides information to the public, and performs other related duties as assigned. The Investigator is assigned to complex cases and at times works with other investigators and agencies. Investigations are confidential in nature and conducted for the welfare of the State of Hawaii. Upon completion, investigations may be submitted to the Executive Director of the division for possible court action.	1/7/1993	9/27/2011	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
ConsumerProt	102725	120364	Investigator IV	The CRF Investigator IV conducts investigation in accordance with policies and procedures of the Office of the Consumer Protection; conducts field investigation of cases, which are complex in scope and difficulty; reviews allegations, conducts interviews, obtains evidence, analyzes evidence and/or information, determines if any laws, rules and regulations have been violated and prepares reports.	5/17/1993	9/27/2011	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
RegIndustCmp	101314	120367	Investigator III	Independently conducts investigations on the preliminary level determining approach and plan of action based on the complexity of the cases; determines facts, develops evidence, obtains information and documents to prove violations; provides consumer information regarding regulatory statutes, rules and policies of the boards, commissions, programs and other DCCA divisions; provides mediation services and/or referrals for cases which have been predetermined to all outside of enforcement powers of RICO and OCP.	8/12/1982	10/5/2011	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
RegIndustCmp	101315	120368	Investigator III	Under the immediate supervision of the RI Intake Investigator IV, Section B. This position primarily receives, screens and processes complaints filed under the jurisdiction of over 40 boards, commissions, programs, and divisions of the department. The position also receives inquiries and assists the public in regulatory matters by providing basic information for the prevention and detection of violations of regulatory laws, rules, and regulations.	8/12/1982	10/5/2011	ACT 300, SLH 2006	
RegIndustCmp	101318	120369	Investigator IV	The RI Investigator IV performs investigative activities germane to the prevention and detection of violations related to the violation of rules, laws, and regulations under the DCCA jurisdiction.	8/12/1982	10/5/2011	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
RegIndustCmp	101320	120370	Investigator II	Receives, screens & processes complaints filed under the jurisdiction of over 40 boards, commissions, programs & divisions of the dept; receives inquiries & assists the public in regulatory matters.	8/12/1982	10/5/2011	ACT 300, SLH 2006	

CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2010 - OCTOBER 31, 2011

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	106922	120338	Secretary II	To provide secretarial services to the environmental ombudsman and assist with overall administration of the compliance assistance office which was established in accordance with HRS Chapter 342b-61.	10/22/1997	10/14/2011	342B-63, HRS	
BhavriHlthAd	118714	120231	Human Svcs Prof IV	Provides comprehensive Clubhouse and complementary Psychosocial Rehabilitation (PSR) activities and services by the CMHC (Community Mental Health Center).	9/27/2007	2/17/2011		Hawaii State Hospital (HSH) Census Management
BhavriHlthAd	118708	120230	Human Svcs Prof IV	Provides comprehensive clubhouse and complementary Psychosocial Rehabilitation (PSR) activities and services by the CMHC (Community Mental Health Center).	9/27/2007	2/17/2011		Hawaii State Hospital (HSH) Census Management

Attachment 1 - HTH

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
BhavrlHlthAd	118709	120229	Human Svcs Prof IV	Provides comprehensive Clubhouse and complementary Psychosocial Rehabilitation (PSR) activities and services by the CMHC (Community Mental Health Centers).	9/27/2007	2/17/2011		Hawaii State Hospital (HSH) Census Management
BhavrlHlthAd	118710	120228	Human Svcs Prof IV	Provides comprehensive Clubhouse and complementary Psychosocial Rehabilitation (PSR) activities and services by the CMHC (Community Mental Health Center).	9/27/2007	2/17/2011		Hawaii State Hospital (HSH) Census Management
BhavrlHlthAd	118711	120227	Human Svcs Prof IV	Provides comprehensive Clubhouse and complementary Psychosocial Rehabilitation (PSR) activities and services by the Community Mental health Center (CMHC).	9/27/2007	2/17/2011		Hawaii State Hospital (HSH) Census Management
BhavrlHlthAd	118712	120226	Human Svcs Prof IV	Provides comprehensive Clubhouse and complementary Psychosocial Rehabilitation (PSR) activities and services by the CMHC (Community Mental Health Center).	9/27/2007	2/17/2011		Hawaii State Hospital (HSH) Census Management

Attachment 1 - HTH

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
BhavrlHlthAd	118715	120225	Human Svcs Prof IV	Provides comprehensive Clubhouse and complementary Psychosocial Rehabilitation (PSR) activities and services by the CMHC (Community Mental Health Center).	9/27/2007	2/17/2011		Hawaii State Hospital (HSH) Census Management

**CONVERTED POSITIONS
[Exempt to Civil Service (CS)]
NOVEMBER 1, 2010 - OCTOBER 31, 2011**

Department		Land and Natural Resources					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
StParksDiv	101173	101173	Principal Archaeologist	Oversee, direct, and coordinate archaeological investigations in conjunction with park planning, and manage and interpret the cultural and archaeological resources in the state park system to ensure that these resources are protected, preserved, and conserved.	8/18/1980	7/12/2011	Act 300, SLH 2006	

Attachment 1 - LNR

Department Land and Natural Resources							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
StParksDiv	117702	117702	Principal Archaeologist	To oversee, direct and coordinate archaeological investigations in conjunction with park planning; manage and interpret the cultural and archaeological resources in the state parks system to ensure that these resources are protected, preserved, and conserved; performs other duties as assigned.	11/4/2005	7/12/2011	Act 300, SLH 2006	

Attachment 1 - LNR

Department Land and Natural Resources						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
StParksDiv	101172	101172	General Professional IV	Prepare archaeological research designs; conduct archaeological surveys to identify and evaluate archaeological sites; conduct archaeological testing and excavations to determine the significance of the cultural resources, the interpretative potential, and the cultural values; salvage archaeological sites prior to park development projects when deemed appropriate; monitor construction for potential archaeological remains; conduct basic archaeological analyses; prepare archaeological reports and site maps for the above work.	8/18/1980	4/11/2011	Act 300, SLH 2006	

Attachment 2

**Summary of Converted Positions [Exempt to Civil Service]
November 1, 2010 - October 31, 2011**

Subsections	AGR	AGS	ATG	BED	BUF	CCA	DEF	GOV	HHL	HMS	HRD	HTH	LIB	LBR	LNR	LTG	PSD	TAX	TRN	UOH	TOTALS	
Positions - Subsection (17)*	21	54	12	153	189	171	8	1	114	51		81	3	56	73	22	74	20	9		1112	
Replace with Civil Service						6						1			3							10
Remain Exempt**	21	54	12	153	189	165	8	1	114	51	0	80	3	56	70	22	74	20	9	0	1102	

Positions - Subsection (12)*			31	45	7		119			36	1	528		1	9		10			15		802
Replace with Civil Service					3							7										10
Remain Exempt**	0	0	31	45	4	0	119	0	0	36	1	521	0	1	9	0	10	0	15	0	0	792

Total Converted Positions	0	0	0	0	3	6	0	0	0	0	0	8		0	3	0	0	0	0	0	0	20
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Notes:

*HRMS data as of 11/1/10

DOE is not included in the report pursuant to Act 51, SLH 2004.

Aloha Stadium event positions (1014) are not included in the count for AGS subsection 17.

**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	CCA	DEF	GOV	HHL	HMS	HRD	HTH	LBR	LIB	LNR	LTG	PSD	TAX	TRN	UOH	Total
1							16														16
3										1		15					15				31
5								51								15					66
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	2	2	2	2	2		2	2	2	5	2	1	3		4	2	5	19	61
10			227																		227
12			14	44	2		119			32		525	1		9		9		15		770
13		27	38	54	56	35	6		64	1	19	13	2199	210	66	5			315		3108
14																1					1
15												6							15	213	234
16	1	1		1	1	1	1		1	1	1	4	1	1	1			1	4		21
17	21	1072	13	152	198	174	9	1	114	54		83	56	3	75	22	71	20	9		2147
18										60											60
19																				1	1
21										40											40
22																				15	15
23												1							2	1	4
25																	2				2
27							137														137
Total	25	1104	295	254	261	213	291	53	182	192	23	654	2266	215	156	43	105	24	366	249	6971

Note:

HRMS data as of 11/1/11

Aloha Stadium event positions (1014) are included in the 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 the count for LBR subsection 13.