

REPORT TO THE 2017 LEGISLATURE
ON POSITIONS EXEMPTED FROM THE CIVIL SERVICE
AS REQUIRED BY ACT 300,
SESSION LAWS OF HAWAII 2006

Department of Human Resources Development
December 2016

As Required by
Act 300, Session Laws of Hawaii 2006

Submitted by the Department of Human Resources Development
December 1, 2016

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, 2015, through October 31, 2016.

During the current reporting period, there were no Act 300 positions replaced with civil service positions. However, 61 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 ended December 31, 2013, sought to significantly increase the number of exempt positions identified for conversion to civil service in all departments of the Executive Branch, and required DHRD to identify exempt positions that may be converted to civil service. DHRD 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.

61 exempt positions were replaced with civil service positions within the period November 1, 2015 to October 31, 2016. The 61 exempt positions are not covered by Act 300.

As of November 1, 2016, 2,778 exempt positions remain. Aloha Stadium event positions (959), Student Helper and Student Intern positions (840), 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. Fifty-seven (57) positions were exempted under the provisions of Section 76-16 (b)(12), project; and four (4) positions were exempted under Section 76-16(b)(17), other law.
- 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, 2016, broken down by the statutory basis for exemption.

- Attachment 4 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 1, 2016

Respectfully submitted,

James K Nishimoto

JAMES K. NISHIMOTO, Director
Department of Human Resources Development

Attachments

CONVERTED POSITIONS

[Exempt to Civil Service (CS)]

November 1, 2015 - October 31, 2016

Department of Accounting and General Services

Division	Exempt Pos.No	Changed Pos.No	CS Title	Purpose of Position	Established Date	Date of Conversion	Subsections	Subsection 17 Legal Authority	Subsection 12 Project Title
StateProcure	00110943	00110943	Purchasing Spclt V	Oversees, administers, coordinates, and manages the State's procurement process for health and human services.	6/16/00	11/1/2015	17	103F-301(8)	
ArchivesDiv	00120676	120676	Information Technol Spclt IV	Designs & implements computer application systems to enhance the ability of state agencies to transfer their digital records of permanent value to the Digital Archives.	7/19/2012	6/1/2016	12		Hawaii Digital Archives

CONVERTED POSITIONS

[Exempt to Civil Service (CS)]

November 1, 2015 - October 31, 2016

Department of Defense		CONVERTED POSITIONS										Subsection 17		Subsection 12	
Division	Exempt Pos No	Changed Pos No	CS Title	Purpose of Position	Established Date	Date of Conversion	Subsections	Legal Authority	Project Title	Subsections	Legal Authority	Project Title			
CivilDefense	00100934	100934	Engineer IV	Coordinates & develops shelter infrastructure activities	3/16/76	1/1/2016	12		Population Protection Planning/Survivable Crises Management	12		Population Protection Planning/Survivable Crises Management			
CivilDefense	00101273	101273	Program Specialist IV	Plans logistics & critical systems to recover from disasters	10/14/81	1/1/2016	12		Population Protection Planning/Survivable Crises Management	12		Population Protection Planning/Survivable Crises Management			
CivilDefense	00101276	101276	Civil Defense Planner	Develops natural disaster plans/guidance for State agencies	12/18/81	1/1/2016	12		Earthquake Preparedness Planning	12		Earthquake Preparedness Planning			
CivilDefense	00101623	101623	Civil Defense Training Officer	Develop/implements emergency management exercise programs	11/28/83	1/1/2016	12		State Hazard Mitigation Project	12		State Hazard Mitigation Project			
CivilDefense	00102887		Civil Defense Planner	Manages, organizes, & maintains State Hazard Mitigation Program	12/11/96	1/1/2016	12		State Hazard Mitigation Project	12		State Hazard Mitigation Project			
CivilDefense	00111378		Program Specialist IV	Assists in organizing, & maintaining State Hazard Mitigation Program	9/1/00	1/1/2016	12		State Hazard Mitigation Project	12		State Hazard Mitigation Project			
CivilDefense	00111379		Office Assistant III	Provides clerical support to State Hazard Mitigation Officer	9/1/00	1/1/2016	12		State Hazard Mitigation Project	12		State Hazard Mitigation Project			
CivilDefense	00119135		Building Const Inspector II	Provides construction advice & assistance for construction & repair projects	9/3/08	1/1/2016	12		Disaster Assistance Recovery Project	12		Disaster Assistance Recovery Project			
CivilDefense	00119322		Civil Defense Planner	Manages the Disaster Assistance Branch	7/1/09	1/1/2016	12		Disaster Assistance Recovery Project	12		Disaster Assistance Recovery Project			
CivilDefense	00119325		Accountant III	Provides financial advisory & accounting services	7/1/09	1/1/2016	12		Disaster Assistance Recovery Project	12		Disaster Assistance Recovery Project			
CivilDefense	00119332		Program Specialist IV	Performs functions related to planning, programming & project management of emergency warning systems dvlpmnt statewide	7/1/09	1/1/2016	12		Disaster Assistance Recovery Project	12		Disaster Assistance Recovery Project			
CivilDefense	00119394		Office Assistant III	Provides clerical services to support the Disaster Assistance Branch	11/16/09	1/1/2016	12		Disaster Assistance Recovery Project	12		Disaster Assistance Recovery Project			

CONVERTED POSITIONS

[Exempt to Civil Service (CS)]

November 1, 2015 - October 31, 2016

Department of Human Services		Subsection 17		Subsection 12					
Division	Exempt Pos No	Changed Pos No	CS Title	Purpose of Position	Established Date	Date of Conversion	Subsections	Legal Authority	Project Title
OfcYouthSvcs	00120770	00120293	Children & Youth Prgm Spclt V	This position plans, develops, implements, monitors and evaluates the Office of Juvenile Justice and Delinquency Prevention's (OJJDP) program and services, and supervises subordinate positions.	7/11/11	1/6/2016	17	352-D5(B)	
BESS Div	00103218	00121965	Program Specialist VI	This position plans, manages, directs, develops, budgets, evaluates and coordinates services for the department on matters related to the homeless issue, including the development, coordination, administration and reporting of the State's homeless programs.	6/4/93	4/6/2016	17	ACT 89, SLH 2010	

CONVERTED POSITIONS

[Exempt to Civil Service (CS)]
November 1, 2015 - October 31, 2016

Department of Land and Natural Resources

Division	Exempt Pos No	Changed Pos No	CS Title	Purpose of Position	Established Date	Date of Conversion	Subsections	Subsection 17 Legal Authority	Subsection 12 Project Title
Ofc / Chairpsn	00121500		Office Assistant IV	Assist the Senior Communications Mgrmr and Chairperson's staff with content management and tracking of media materials (visual and written. Conduct data processing, filing and customer service for the Administrative Proceedings Office and the Civil Resource Violations System. Coordinate video and audio conferencing operations within the office.	10/7/14	7/1/2016	17	171-19(2)	

CONVERTED POSITIONS

[Exempt to Civil Service (CS)]

November 1, 2015 - October 31, 2016

Department of Health										Subsection 17
Division	Exempt Pos No	Changed Pos No	CS Title	Purpose of Position	Established Date	Date of Conversion	Subsections	Legal Authority		
BhavrHlthAd	00116733	00121342	Clinical Psychologist VII	Plans, organizes, directs, supervises coordinates and monitors the programs, activities, services and staff of the section	2/10/04	4/28/2016	12			
BhavrHlthAd	00116747	00121343	Clinical Psychologist VI	Provide consultation and liaison services to treatment teams and criminal justice agencies;	2/10/04	3/7/2016	12			
HlthResAdm	00112994	00121367	Program Specialist V	develop and implement-policies and procedures governing the use of funds; provide administrative support to the Tobacco Prevention and Advisory Board	8/13/02	12/14/2015	12			
HlthResAdm	00118984	00121378	Planner V	prepares statewide plans for chronic disease prevention and management and health promotion	4/30/08	12/2/2015	12			
HlthResAdm	00117678	00121431	Program Specialist IV	Participates in development, management, implementation and evaluation of the Asthma Program within CDMB	10/25/05	9/26/2016	12			
HlthResAdm	00119239	00121466	Program Specialist V	Heads the Heart Disease & Stroke Prevention (HDSP) Program	6/9/09	9/30/2016	12			
HlthResAdm	00113307	00121468	Program Specialist V	Oversees the Comprehensive Cancer Control Program (CCCCP) within CDMB	3/6/03	9/30/2016	12			

Department of Health										Subsection 17	
Division	Exempt Pos No	Changed Pos No	CS Title	Purpose of Position	Established Date	Date of Conversion	Subsections	Legal Authority			
HlthResAdm	00117544	00121469	Program Specialist IV	Participates in development, management, implementation and evaluation of the Asthma Program within CDMB	9/27/05	9/26/2016	12				
HlthResAdm	00113144	00121572	Program Specialist V	Oversees the Asthma Program within the CDMB	10/28/02	9/30/2016	12				
EnvrmHlthAdm	00110430	00121588	Microbiologist V	Supervise the day to day operations of the BRS and to assist in directing microbiological and other analytical activities related to suspected BT events	11/26/99	2/5/2016	12				
EnvrmHlthAdm	00110250	00121589	Microbiologist IV	Perform diagnostic tests in support of a core function of the Department of Health, which is to be on the cutting edge of surveillance of and response to foodborne illnesses	9/17/99	2/5/2016	12				
EnvrmHlthAdm	00112908	00121590	Microbiologist IV	Performs a variety of highly specialized laboratory assays to isolate, detect and confirm bacteria, toxins and viral agents involved in bioterrorism, and outbreak	7/22/02	2/5/2016	12				
EnvrmHlthAdm	00116598	00121591	Microbiologist IV	Performs a variety of highly specialized laboratory assays to isolate, detect and confirm bacteria, toxins and viral agents involved in bioterrorism, and outbreak	12/23/03	2/25/2016	12				
EnvrmHlthAdm	00116606	00121595	Chemist IV	Assist the CRS supervisor (Chemist V) manage laboratory activities and provide timely and effective chemical testing services	12/23/03	5/4/2016	12				
BhavrlHlthAd	00116721	00121618	Human Svcs Prof IV	Provides a full array of comprehensive mental health services to the most complex and difficult cases	2/9/04	11/2/2015	12				

Department of Health										Subsection 17	
Division	Exempt Pos No	Changed Pos No	CS Title	Purpose of Position	Established Date	Date of Conversion	Subsections	Legal Authority			
BhavriHlthAd	00116722	00121619	Human Svcs Prof IV	Provides a full array of comprehensive mental health services to the most complex and difficult cases	2/9/04	11/2/2015	12				
BhavriHlthAd	00116718	00121620	Human Svcs Prof IV	Provides a full array of comprehensive mental health services to the most complex and difficult cases	2/9/04	11/2/2015	12				
EnvrmHlthAdm	00119173	00121631	Microbiologist IV	Maintaining the LPRP's capacity to ensure effective communications within the Laboratory Response Network (LRN), FERN and other federal partners	10/30/08	4/13/2016	12				
BhavriHlthAd	00116751	00121663	Human Svcs Prof V	Section Head coordinates the planning, organizing, implementing, and monitoring of the rehabilitation services of this Section	2/11/04	4/29/2016	12				
EnvrmHlthAdm	00120125	00121668	Microbiologist III	Conduct a variety of highly specialized laboratory assays to isolate, detect, and confirm bacteria, toxins and viral agents involved in bioterrorism, and outbreaks	8/30/10	12/24/2015	12				
BhavriHlthAd	00116725	00121674	Human Svcs Prof IV	Provides a full array of comprehensive mental health services to the most complex and difficult cases	2/9/04	11/3/2015	12				
BhavriHlthAd	00117217	00121676	Human Svcs Prof IV	Provides a full array of comprehensive mental health services to the most complex and difficult cases	12/15/04	11/3/2015	12				
BhavriHlthAd	00117294	00121677	Human Svcs Prof IV	Provides a full array of comprehensive mental health services to the most complex and difficult cases	2/22/05	11/3/2015	12				

Department of Health										Subsection 17
Division	Exempt Pos No	Changed Pos No	CS Title	Purpose of Position	Established Date	Date of Conversion	Subsections	Legal Authority		
BhavriHlthAd	00116700	00121690	Substance Abuse Specialist IV	Serves as the subject matter expert and consultant to staff and Branch and/or Section on the area of mental illness/substance abuse (MI/SA) treatment	2/3/04	9/8/2016	12			
BhavriHlthAd	00116706	00121694	Substance Abuse Specialist IV	Serves as the subject matter expert and consultant to staff and Branch and/or Section on the area of mental illness/substance abuse (MI/SA) treatment	2/3/04	9/8/2016	12			
BhavriHlthAd	00116705	00121696	Substance Abuse Specialist IV	Serves as the subject matter expert and consultant to staff and Branch and/or Section on the area of mental illness/substance abuse (MI/SA) treatment	2/3/04	9/8/2016	12			
BhavriHlthAd	00117543	00121728	Social Service Assistant V	Serves as a role model for consumers and participates as a member of the interdisciplinary team by providing peer support services	8/16/05	7/20/2016	12			
BhavriHlthAd	00117542	00121729	Social Service Assistant V	Serves as a role model for consumers and participates as a member of the interdisciplinary team by providing peer support services	8/16/05	7/20/2016	12			
BhavriHlthAd	00117525	00121731	Social Service Assistant V	Serves as a role model for consumers and participates as a member of the interdisciplinary team by providing peer support services	7/29/05	7/20/2016	12			
BhavriHlthAd	00117526	00121732	Social Service Assistant V	Serves as a role model for consumers and participates as a member of the interdisciplinary team by providing peer support services	7/29/05	7/20/2016	12			

Department of Health										Subsection 17	
Division	Exempt Pos No	Changed Pos No	CS Title	Purpose of Position	Established Date	Date of Conversion	Subsections	Legal Authority			
BhavriHlthAd	00117539	00121733	Social Service Assistant V	Serves as a role model for consumers and participates as a member of the interdisciplinary team by providing peer support services	8/16/05	7/20/2016	12				
BhavriHlthAd	00117540	00121737	Social Service Assistant V	Serves as a role model for consumers and participates as a member of the interdisciplinary team by providing peer support services	8/16/05	7/20/2016	12				
BhavriHlthAd	00116863	00121741	Advanced Practice RN II	Provides assessment, urgent care/walk in services, somatic treatment, pharmacological services, therapy, crisis emergency, forensic, integrated substance abuse services and behavioral health clinical services	5/19/04	4/28/2016	12				
BhavriHlthAd	00117349	00121747	Clinical Psychologist VI	Provide an array of mental health clinical psychology services, including mental health assessments, eligibility determinations, diagnoses, psychotherapeutic treatment interventions and therapy	3/31/05	3/7/2016	12				
HlthResAdm	00110713	00121804	Planner V	Coordinate the development of statewide comprehensive public health response plans to all hazards, including man-made disasters or events	6/22/00	1/22/2016	12S				
HlthResAdm	00116378	00121805	Planner IV	To build, train, exercise, and maintain statewide capabilities to provide medical countermeasures to the population in a biological or chemical incident or disasters	6/13/03	1/22/2016	12				

CONVERTED POSITIONS

[Exempt to Civil Service (CS)]

November 1, 2015 - October 31, 2016

Department of Public Safety

Division	Exempt Pos No	Changed Pos No	CS Title	Purpose of Position	Established Date	Date of Conversion	Subsections	Subsection 17 Legal Authority	Subsection 12 Project Title
Office of the Director	120334	N/A	Public Information Officer	To develop, organize and coordinate a comprehensive statewide communication program to inform the public of departmental plans, activities and accomplishments.	9/1/2011	7/1/2016	12S		Community Relations and Positive Media Outreach

Department of Health										Subsection 17	
Division	Exempt Pos No	Changed Pos No	CS Title	Purpose of Position	Established Date	Date of Conversion	Subsections	Legal Authority			
HlthResAdm	00113013	00121823	Planner IV	Plan, develop, and implement multiple, complex special projects, policies, and procedures to build, improve, and maintain state public health preparedness, response, and recovery capabilities	8/19/02	1/22/2016	12				
BhavriHlthAd	00110531	00121863	Human Svcs Prof IV	Provide case management for eligible youth with emotional and behavioral disturbances	1/25/00	2/25/2016	12				
BhavriHlthAd	00108732	00121865	Human Svcs Prof IV	Provide case management for eligible youth with emotional and behavioral disturbances	9/9/98	2/29/2016	12				
BhavriHlthAd	00117335	00121886	Advanced Practice RN II	Provide direct psychiatric nursing/clinical and consultative outpatient services	4/1/05	4/28/2016	12				
BhavriHlthAd	00108730	00121980	Human Svcs Prof V	Manage and supervise the Family Guidance Center (FGC) Clinical Services Unit (CSU) operations, outcomes, and personnel related to the provision of Case Management	9/9/98	8/8/2016	12				
BhavriHlthAd	00113092	00121981	Human Svcs Prof V	Manage and supervise the Family Guidance Center (FGC) Clinical Services Unit (CSU) operations, outcomes, and personnel related to the provision of Case Management	9/19/02	8/8/2016	12				
BhavriHlthAd	00116723	00121640	Human Svcs Prof V	Section Head coordinates the planning, organizing, implementing, and monitoring of the rehabilitation services of this Section	2/9/04	11/17/2015	12				

Subsection 12
Project Title
Comprehensive Cancer Control Program
Addressing Asthma from a Public Health Perspective
Public Health Emergency Preparedness (PHEP) Cooperative Agreement
Epidemiology and Laboratory Capacity for Infectious diseases (ELC)
Public Health Emergency Preparedness (PHEP) Cooperative Agreement
Public Health Emergency Preparedness (PHEP) Cooperative Agreement
Public Health Emergency Preparedness (PHEP) Cooperative Agreement
Behavioral Health Initiative

Subsection 12
Project Title
Behavioral Health Initiative
Behavioral Health Initiative
Food Emergency Response Network (FERN) Cooperative Agreement Project
Behavioral Health Initiative
Food Emergency Response Network (FERN) Cooperative Agreement Project
Behavioral Health Initiative
Behavioral Health Initiative
Behavioral Health Initiative

Subsection 12
Project Title
Behavioral Health Initiative
Behavioral Health Initiative
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Summary of Converted Positions [Exempt to Civil Service]
November 1, 2015 - October 31, 2016

	AGR	AGS	ATG	BED	BUF	CCA	DEF	GOV	HHL	HMS	HRD	HTH	LBR	LIB	LNR	LTG	PSD	TAX	TRN	UOH	TOTALS	
Positions - Subsection (17)*	23	162	12	148	189	219	7	1	122	58	0	135	64	2	88	1	79	27	9	0	1346	
Replaced with Civil Service		1								2												3
Remain Exempt**	23	161	12	148	189	219	7	1	122	56	0	135	64	2	88	1	79	27	9	0	1343	
Positions - Subsection (12)*	2	7	4	36	2		149			40		346			4		6		17			613
Replaced with Civil Service		1					12					43			1		1					58
Remain Exempt**	2	6	4	36	2		137			40		303			3		5		17			555
Total Converted Positions		2	0	0	0	0	12			2		43			1		1					61

Notes:

*HRMS data as of 11/1/15

** Does not include abolished or new positions

Effective 7/1/2005, DOE (except LIB (public libraries)) is not included in the report pursuant to Act 51, SLH 2004
Aloha Stadium event position are not included in count for AGS subsection 17

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							22														22
3						3						5					3				11
5		3						74								13					90
6								1								1					2
7	1	3	1	1	1	2	1	1	1	1	1	3	7		1		6	1	1	1	32
10																					235
11														2							2
12	2	6	4	36	2	0	137	0	0	40		303			3		5		17		555
13																					0
14															1						1
15												5							15	206	226
16	1	1	1	1	1	1	1	1	1	1	1	4	1	1	1			1	4		21
17	23	161	12	148	189	219	7	1	122	56		135	64	2	88	1	79	27	9		1343
18										57											57
19																				1	1
21										40											40
22																				21	21
23												1							5	1	7
24																	1				1
26							111														111
TOTAL	27	174	252	186	193	225	279	76	124	195	2	456	72	5	94	15	94	29	51	229	2778

Note:
 HRMS data as of 11/1/16
 The following positions are not included in the counts:
 959 Aloha Stadium event positions (AGS subsection 17)
 840 Student Helper & Student Intern positions (subsection 13)
 2,191 Work Experience positions (LBR subsection 13)

Attachment 4 - HTH

Exempt Positions Identified for Replacement with Civil Service Positions but Employees Elected to Remain Exempt

November 1, 2015 - October 31, 2016

							Subsection 12	
Dept	Division	Branch	Exempt Pos. No.	Exempt Title	Purpose	Established Date	Project Title	
HTH	HlthResAdm	DisOutbreakC ntrlDiv	118877	BTP Med Surge Capacity Vol Coor	Assists DOH Staff in developing volunteer emergency medical response	1/22/2016	Hospital Preparedness Project	