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# A BILL FOR AN ACT

RELATING TO QUALIFIED COMMUNITY REHABILITATION PROGRAMS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 76-77, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§76-77 Civil service and exemptions.** The civil service  
4 to which this part applies comprises all positions in the public  
5 service of each county, now existing or hereafter established,  
6 and embraces all personal services performed for each county,  
7 except the following:

8           (1) Positions in the office of the mayor; provided that  
9           the positions shall be included in the classification  
10           systems;

11           (2) Positions of officers elected by public vote,  
12           positions of heads of departments, and positions of  
13           one first deputy or first assistant of heads of  
14           departments;

15           (3) Positions of deputy county attorneys, deputy  
16           corporation counsel, deputy prosecuting attorneys, and  
17           law clerks;



- 1 (4) Positions of members of any board, commission, or  
2 agency;
- 3 (5) Positions filled by students; positions filled through  
4 federally funded programs which provide temporary  
5 public service employment such as the federal  
6 Comprehensive Employment and Training Act of 1973; and  
7 employees engaged in special research or demonstration  
8 projects approved by the mayor, for which projects  
9 federal funds are available;
- 10 (6) Positions of district judges, jurors, and witnesses;
- 11 (7) Positions filled by persons employed by contract where  
12 the personnel director has certified that the service  
13 is special or unique, is essential to the public  
14 interest, and that because of the circumstances  
15 surrounding its fulfillment, personnel to perform the  
16 service cannot be recruited through normal civil  
17 service procedures; provided that no contract pursuant  
18 to this paragraph shall be for any period exceeding  
19 one year;
- 20 (8) Positions of a temporary nature needed in the public  
21 interest where the need does not exceed ninety days;  
22 provided that before any person may be employed to



1 render temporary service pursuant to this paragraph,  
2 the director shall certify that the service is of a  
3 temporary nature and that recruitment through normal  
4 civil service recruitment procedures is not  
5 practicable; and provided further that the employment  
6 of any person pursuant to this paragraph may be  
7 extended for good cause for an additional period not  
8 to exceed ninety days upon similar certification by  
9 the director;

10 (9) Positions of temporary election clerks in the office  
11 of the county clerk employed during election periods;

12 (10) Positions specifically exempted from this part by any  
13 other state statutes;

14 (11) Positions of one private secretary for each department  
15 head; provided that the positions shall be included in  
16 the classification systems;

17 (12) Positions filled by persons employed on a fee,  
18 contract, or piecework basis who may lawfully perform  
19 their duties concurrently with their private business  
20 or profession or other private employment, if any, and  
21 whose duties require only a portion of their time,  
22 where it is impracticable to ascertain or anticipate



- 1 the portion of time devoted to the service of the  
2 county and that fact is certified by the director;
- 3 (13) Positions filled by persons with a severe disability  
4 who are certified by the state vocational  
5 rehabilitation office as able to safely perform the  
6 duties of the positions;
- 7 (14) Positions of the housing and community development  
8 office or department of each county; provided that  
9 this exemption shall not preclude each county from  
10 establishing these positions as civil service  
11 positions;
- 12 (15) The following positions in the office of the  
13 prosecuting attorney: private secretary to the  
14 prosecuting attorney, secretary to the first deputy  
15 prosecuting attorney, and administrative or executive  
16 assistants to the prosecuting attorney; provided that  
17 the positions shall be included in the classification  
18 systems; and
- 19 (16) Positions or contracts for personal services with  
20 private persons or entities for services lasting no  
21 more than one year and at a cost of no more than  
22 \$750,000[-]; provided that the exemption under this



1           paragraph shall apply to contracts for building,  
2           custodial, and grounds maintenance services with  
3           qualified community rehabilitation programs, as  
4           defined in section 103D-1001, lasting for no more than  
5           a year and at a cost of no more than \$850,000.

6           The director shall determine the applicability of this  
7 section to specific positions and shall determine whether or not  
8 positions exempted by paragraphs (7) and (8) shall be included  
9 in the classification systems.

10           Nothing in this section shall be deemed to affect the civil  
11 service status of any incumbent private secretary of a  
12 department head who held that position on May 7, 1977."

13           SECTION 2. The department of human resources development  
14 shall report annually to the legislature, no later than twenty  
15 days prior to the convening of each regular session beginning  
16 with the regular session of 2009, on expenditures of qualified  
17 community rehabilitation programs and related activities.

18           SECTION 3. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20           SECTION 4. This Act shall take effect upon its approval.



H.B. NO. 2272  
H.D. 2  
S.D. 2  
C.D. 1

**Report Title:**

Civil Service Law; Qualified Community Rehabilitation Programs

**Description:**

Extends the exemption from the county civil service laws for contracts for personal services to contracts for building, custodial, and grounds maintenance services with qualified community rehabilitation programs lasting no more than one year and at a cost of no more than \$850,000. (HB2272 CD1)

