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**Of the 6,714 exempt positions, 4,047 are casual exempt positions, which include Stadium Authority hires, student helpers, and work experience positions.**

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# Study of the Civil Service Exemption Process

Report No. 14-09, October 2014

## *DHRD appropriately guides departmental processes for exempt positions and job descriptions*

This study of the civil service exemption process is pursuant to Act 199, Session Laws of Hawai'i 2014. As requested by the Legislature, we reviewed the Department of Human Resources Development's (DHRD) current civil service exemption and position description processes. The *Civil Service Law*, Chapter 76, Hawai'i Revised Statutes, establishes a system of personnel administration in the State and each of the counties that is based on the merit principle. Hiring by merit helps government create a career service that is free from coercive political influences; however, state law has always recognized civil service exempt positions and employees and specifically provides exceptions. Although seemingly at odds with the merit principle, exempt positions are either mandated or permitted by law and provide a wide range of services in state government. They include Hawai'i National Guard personnel, contract and legislative positions, department heads, deputies, deputy attorneys general, Office of the Governor employees, and others.

As of July 1, 2014, DHRD's jurisdiction consisted of 21,783 positions, of which 15,069 were civil service and 6,714 exempt. Of the 6,714 exempt positions, approximately two-thirds were vacant (4,512). In addition, DHRD has identified approximately 500 exempt positions for conversion to civil service positions over the next biennium. We found that new exempt positions are being established as existing ones are converted. But the number of these new exempt positions created annually has generally decreased over the last five years.

### **DHRD's process to convert civil service exempt positions is appropriately applied by executive departments**

We found that DHRD has delegated authority to departments to establish most exempt positions, as well as to assign exempt positions to a civil service class. Departments convert exempt positions to civil service positions as appropriate and permitted by law. DHRD provides guidance on these processes via policies and procedures, including procedures to appoint exempt employees to replacement civil service positions.

### **Executive departments create and update position descriptions using DHRD's guidance**

Executive departments are responsible for preparing and updating position descriptions as necessary for every authorized position. A new position description must be drafted when establishing a new position and updated when significant changes in work occur. A position description is the official written record of the major duties and responsibilities assigned to a position. We found that DHRD provides departments with guidance and tools to write position descriptions, as well as a position description template. Departmental staff we interviewed provide their divisions and programs with DHRD's workbook to use when creating position descriptions.

Prior to recruiting and hiring staff, departments create and update position descriptions, as appropriate, and prepare the necessary documents. Department directors are delegated the authority to approve positions for hire except for excluded managerial compensation plan and general professional class positions. The departments we interviewed told us they update position descriptions for new hires and do not use old position descriptions.

### **Agency responses**

On September 26, 2014, we transmitted a draft of this report to the Department of Human Resources Development. In its response, the department agreed with our report, including our recommendation, and did not provide any comments.