



**STATE OF HAWAII  
OFFICE OF ELECTIONS**

802 LEHUA AVENUE  
PEARL CITY, HAWAII 96782  
[www.hawaii.gov/elections](http://www.hawaii.gov/elections)

SCOTT T. NAGO  
CHIEF ELECTION OFFICER

December 14, 2012

Ms. Charlotte Carter-Yamauchi, Acting Director  
Legislative Reference Bureau  
State Capitol, Room 446  
Honolulu, Hawaii 96813

Dear Ms. Carter-Yamaguchi:

For your information and consideration, I am transmitting two (2) copies of the Report to the Legislature in accordance with Section 30 of Act 164, Session Laws of Hawaii 2011. Also enclosed are the letters of transmittal to the Senate President and Speaker of the House.

Very truly yours,

SCOTT T. NAGO  
Chief Election Officer

STN:AHS:cr  
OE-381-12

Enclosures



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SCOTT T. NAGO  
CHIEF ELECTION OFFICER

December 14, 2012

The Honorable Shan Tsutsui, President  
and the Members of the Senate  
Twenty-Seventh State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear President Tsutsui and Members of the Senate:

For your information and consideration, I am transmitting two (2) copies of the Report to the Legislature in accordance with Section 30 of Act 164, Session Laws of Hawaii 2011.

Very truly yours,

A handwritten signature in black ink, appearing to be "S. Nago", written over a horizontal line.

SCOTT T. NAGO  
Chief Election Officer

STN:AHS:cr  
OE-379-12

Enclosure



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SCOTT T. NAGO  
CHIEF ELECTION OFFICER

December 14, 2012

The Honorable Calvin K.Y. Say, Speaker  
and the Members of the House of Representatives  
Twenty-Seventh State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear Speaker Say and Members of the House of Representatives:

For your information and consideration, I am transmitting two (2) copies of the Report to the Legislature in accordance with Section 30 of Act 164, Session Laws of Hawaii 2011.

Very truly yours,

SCOTT T. NAGO  
Chief Election Officer

STN:AHS:cr  
OE-380-12

Enclosure

Report to the Twenty-Seventh State Legislature  
2013 Regular Session

Relating to Civil Service Conversion of the Office of Elections

As Required by  
Act 164, Session Laws of Hawaii 2011

December 14, 2012

Pursuant to Section 30 of Act 164, Session Laws of Hawaii (SLH) 2011, the Office of Elections hereby submits the following report concerning the conversion of various positions to civil service.

SECTION 30. Provided that of the general fund appropriation for office of elections (AGS 879), the sum of \$113,791 or so much thereof as may be necessary for fiscal year 2011-2012 and the sum of \$113,791 or so much thereof as may be necessary for fiscal year 2012-2013 shall be used for 14.5 civil service positions converted from exempt under Act 213, Session Laws of Hawaii 2007; provided further that only the amount needed to fund the difference between the exempt position salaries and the actual salary requirements of the civil service positions shall be expended; provided further that the funds shall not be expended for any other purpose; provided further that any unexpended funds shall lapse to the general fund; provided further that the department of accounting and general services shall prepare a report detailing:

- (1) The positions converted to civil service;
- (2) The status of each of the 14.5 positions not yet converted to civil service and reason for the delay of conversion; and
- (3) The actual additional amount needed to convert each of the 14.5 exempt positions to civil service for the most recently completed fiscal year;

and provided further that the department shall submit the report to the legislature no later than thirty days prior to the convening of the 2012 and 2013 regular sessions.

Act 164, SLH 2011.

In 2007, the Legislature authorized the conversion of various positions within the Office of Elections. Specifically, the civil service conversion law provided as follows:

SECTION 115. Provided that for the fourteen positions being converted from temporary to permanent in office of elections (AGS 879), no officer or employee of the State shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this Act, and such officer or employee shall be transferred or appointed to a civil service position without the necessity of examination; provided further that the officer or employee possesses the minimum qualifications for the position to which transferred or appointed; provided further that subsequent changes in status may be made pursuant to applicable civil service and compensation laws; provided further that an officer or employee of the State who does not have tenure and who may be transferred or appointed to a civil service position as a consequence of this Act shall become a civil service employee without the loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefits or privileges and without the necessity of examination; and provided that such officer or employee possesses the minimum qualifications for the position to which transferred or appointed.

Act 213, SLH 2007.

Former Governor Linda Lingle, as part of her budget execution policies, determined that Section 115 of Act 213, SLH 2007 was legally defective. As a consequence, the civil service conversion process could not proceed during her administration.

With the recent change in administration, new discussions were held with the Department of Accounting and General Services (DAGS) regarding the ability to proceed with civil service conversion. It was agreed that the civil service conversion could go forward as there was no dispute that the positions had been previously designated for civil service conversion by the Legislature. However, the provision concerning the retaining of benefits and privileges by incumbent office holders would not be implemented due to the prior concerns over its legality.

The Office of Elections worked with the Department of Accounting and General Services – Personnel Office (DAGS-Personnel) to review the positions and prepare them for civil service conversion. This review indicated that various positions, such as the section heads, will not be able to be fit into existing civil service position classifications. The Office of Elections has been informed that

this means that new civil service position classifications would need to be developed and that this process may take years.

In the interim, however, the Department of Human Resources Development (DHRD) has created a temporary position classification series called General Professional which will be utilized until permanent classes can be established. The General Professional classification series is composed of the classifications of General Professional III through General Professional VII. DHRD created this temporary position classification series in response to similar situations in which exempt positions had been authorized for civil service conversion but did not fit into the current classification system. The Office of Elections' section head positions will need to be reviewed and recommended for appropriate assignment within this classification series. Depending on the results of that review the positions that report to those section heads may or may not be determined appropriate for classification into that series.

As described to the Office of Elections, the civil service conversion process involves the following: (1) an initial review by DAGS-Personnel of the position is conducted; (2) DAGS-Personnel submit a recommendation to DHRD as to how to classify the position; (3) DHRD conducts its own review, and (4) DHRD determines the appropriate civil service classification. After a position is converted, the Office of Elections will coordinate with DAGS-Personnel to recruit applicants to fill the new position in compliance with civil service laws.

As part of the review process, DAGS-Personnel is able to conduct onsite audit inspections to familiarize itself with the duties and responsibilities of the position and to determine if the position description appropriately reflect those duties and responsibilities. The audit inspections are essentially extensive interviews of the incumbents of positions that are going to be converted. The process involves, in part, going line by line through each position description and asking the incumbent to explain and elaborate on each position duty and responsibility.

Onsite inspections have been conducted for the counting center operations, ballot operations, precinct operations, and voter services section head positions. The election support services section head position did not require an onsite inspection due to DAGS-Personnel's prior familiarity with the position.

Due to the competing demands of DAGS-Personnel and DHRD, the review of the positions are generally done separately as opposed to all at the same time. In other words, a position is reviewed by DAGS-Personnel, then by DHRD, the conversion occurs, and then the next position is considered by

DAGS-Personnel as time, resources, and competing obligations permit. This included, in terms of limited resources, our understanding that DHRD faced personnel shortages that impacted its ability to review the positions.

As of today, the counting center operations, precinct operations, election support services, and voter services section head positions have been converted. The General Professional V (SR-24) designation has been selected for all of these positions. It is our understanding the process of converting these positions has increased DAGS-Personnel and DHRD's familiarity with the operations of the Office of Elections and that this will facilitate the timely conversion of the remaining positions.

While no definite commitments have been given as to when the conversion will be completed, it is the Office of Elections' hope that it will be completed prior to the completion of 2013.

In addition to requiring details on which positions have been converted, the status of the remaining positions, and the reasons for the delay, Act 164, SLH 2011 requires "[t]he actual additional amount needed to convert each of the 14.5 exempt positions to civil service for the most recently completed fiscal year[.]" Act 164, SLH 2011 (Section 30).

While there was a positive difference between the new salaries and the old salaries of those four positions that were converted, no additional funds were accessed from the \$113,791 in funds that had been designated. The reason for this is that the Counting Center Operations and Election Support Services Section Head positions were vacant at the time of conversion, hence there was no additional actual salary expense associated with the conversion. Similarly, while the Precinct Operations and Voter Services Section Heads positions had incumbents, who received salary increases, the savings obtained due to various vacancies during the fiscal year made it unnecessary to access any portion of the \$113,791 in funds designated for civil service conversion.

The following table shows the current salaries of the positions that were designated for conversion, the new salaries of those four positions that were converted, and the difference.

Position No.	Title	Salary Prior to Conversion	Salary after Conversion*	Difference	Comments
100362	Section Head (BOPS)	40,000			Position 100204 is temporarily assigned to this position, effective 12/3/2012.

					The prior incumbent was paid 51,312.
101162	Section Head (CCOPS)	53,674	51,312 SR 24C	-2,362	Position is vacant, as incumbent was promoted to Chief Election Officer. Position converted to civil service on 1/18/2012. Prior pay was higher as new pay assumes lowest step level.
101158	Section Head (ESS)	31,000	51,312 SR 24C	20,312	Position is vacant. Position number 117212 has been temporarily assigned to this position for the last 4 years. The temporary assignment pay for this position increased to \$42,684 in FY 10 as the individual gained more experience in the position. The position was converted to civil service on 1/19/2012.
100054	Section Head (VS)	51,874	57,708 SR 24F	5,834	Position was converted on 11/1/2012. Incumbent was credited with years of service.
100456	Section Head (POPS)	51,312	57,708 SR 24F	6,387	Position was converted on 3/16/2012. Incumbent was credited with years of service.
101160	Election Specialist (ESS)	29,952			New hire started 2/16/11. Waiting to be converted.
100204	Election Specialist (VS)	31,200			Incumbent is temporarily assigned to 100362, effective 12/3/2012. Waiting to be converted.
101163	Warehouse Supervisor	29,800			New hire started 11/1/11. Waiting to be converted.
105766	Elections Logistic Worker	29,330			Vacant. Waiting to be converted.
101889	Information	39,750			Vacant. Waiting to be

	Communication Systems Analyst				converted.
101156	Information Communication Systems Analyst	39,750			Waiting to be converted.
101883	Election Specialist	32,565			Waiting to be converted.
117212	Elections Specialist (VS)	34,710			Incumbent is temporarily assigned to 101158 and is paid that corresponding salary. Waiting to be converted.
101159	Election Assistant (VS)	32,361			Same incumbent. Waiting to be converted.
106053	Election Specialist	40,000			Effective 1/1/2013 an individual will be filling this position at a salary of \$40,000. Prior to that time we utilized the position to hire a seasonal employee to help recruit precinct officials for approximately six months at an annual salary of \$22,464. The position was previously identified by the Legislature as Position No. 98014M. Waiting to be converted.

\* Salaries for all civil service position may range depending on the years of service and corresponding step level. For SR 24 General Professional V positions, they are in BU 73 which has a step level range of C to M, and corresponding pay ranging from \$51,312 and \$75,960.