
A BILL FOR AN ACT

RELATING TO PUBLIC SERVICE.

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

1 SECTION 1. The legislature finds that during this time of
2 economic upheaval and limited human and fiscal resources, it is
3 vital that the responsibilities and duties of state workers be
4 carried out and achieved in the most efficient, successful, and
5 cost-effective manner.

6 The legislature also finds that in the employer-public
7 service employee relationship it is imperative for the employee
8 to have an initial probation period that allows the employer and
9 employee to develop a complete and clear understanding of what
10 the employee's daily job requirements will consist of over the
11 course of one year and to also give the employer sufficient time
12 to assess the employee's ability to meet the fundamental
13 expectations of their job position. In some cases, certain
14 civil service positions that have only a six-month initial
15 probation period can create an inherent risk for inefficiencies,
16 ineffectiveness, or ineptness.



1 In the wake of the current revenue shortfalls of this State
2 there have been numerous layoffs of civil service position
3 employees. Later this year, the governor has announced a second
4 wave of layoffs is likely for civil service employees and for
5 those working in civil service-like positions. To prevent the
6 potential for overloading the hiring of permanent civil service
7 employees and thus further deteriorating the State's fiscal and
8 human resources that are dedicated to providing core government
9 functions, the legislature finds that the initial probation
10 period for civil service positions needs to be extended.
11 However, the extended initial probation period identified in
12 this Act will only apply retroactively to employees who
13 transfer, or previously transferred, from a civil service exempt
14 position into a civil service position between December 15,
15 2009, and December 31, 2011, to avoid the possibility of civil
16 service employees who have satisfied their six-month initial
17 probation period before the effective date of this Act from
18 forfeiting their civil service status.

19 The legislature further finds that providing periodic
20 reports to the legislature about the hiring practices of civil
21 service employees will enhance the transparency and
22 accountability of state government operations. In addition,



1 periodic reporting will assist the legislature in identifying
2 potential pitfalls to providing for the efficient and timely
3 delivery of critical services and functions of state government.

4 The purpose of this Act is to:

- 5 (1) Ensure that permanent civil service employees have the
6 necessary skill, knowledge, and expertise to carry out
7 their civil service duties in an efficient,
8 successful, and cost-effective manner by temporarily
9 lengthening the initial probation period from six
10 months to twelve months for persons occupying a
11 position that is exempt from civil service who then
12 either transfers into a civil service position or is
13 hired in a civil service position within ninety days
14 of their departure from their non-civil service
15 position; provided that these provisions shall only
16 apply retroactively to employees who are hired in a
17 civil service position between December 15, 2009, and
18 December 31, 2011; and
- 19 (2) Require state agencies to provide quarterly reports to
20 the legislature of all non-civil service and temporary
21 employees employed by the agency.



1 SECTION 2. Chapter 78, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 **"§78- Non-civil service, temporary employees; report by**
5 **state agencies.** Every state agency shall report to the
6 legislature all non-civil service, temporary employees employed
7 by the agency for each quarterly period of the fiscal year, not
8 later than the fifteenth day following the end of each quarterly
9 period, as follows:

- 10 (1) Each position filled by a non-civil service, temporary
11 employee, the purpose of the position, and the date
12 that the position was established;
- 13 (2) How long the position has been filled by a non-civil
14 service, temporary employee, and the reason the
15 position has not been filled by a permanent civil
16 service or exempt employee; and
- 17 (3) In the case of any position that has been filled by
18 the rehiring of a person for at least three contract
19 periods in one fiscal year, the reasons for the
20 rehiring and why the position should or should not be
21 made permanent.



1 For the purposes of this section, "non-civil service,
2 temporary employee" means any person employed for a contract
3 period of less than ninety days."

4 SECTION 3. Section 76-11, Hawaii Revised Statutes, is
5 amended by adding a new definition to be appropriately inserted
6 and to read as follows:

7 "Initial probation period" means a period of not less than
8 six months nor more than one year from the beginning of an
9 employee's service in civil service."

10 SECTION 4. Section 76-27, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) All employees appointed to civil service positions
13 shall constitute the membership of the civil service, but no
14 employee shall be entitled to membership in civil service until
15 the employee has:

16 (1) Successfully completed the initial probation period
17 required as part of the examination process to
18 determine the employee's fitness and ability for the
19 position; provided that, notwithstanding the minimum
20 time period of probation established under this
21 section, the definition of initial probation period in
22 section 76-11, or any rule adopted pursuant to this



1 chapter, a person occupying a position exempt from
2 civil service pursuant to section 76-16 and who
3 either:

4 (A) Transfers into a civil service position between
5 December 15, 2009, and December 31, 2011; or

6 (B) Voluntarily or involuntarily terminates
7 employment from a position that is exempt from
8 civil service pursuant to section 76-16 and,
9 within ninety days of that termination, is
10 subsequently hired in a civil service position
11 between December 15, 2009, and December 31, 2011,

12 shall have an initial probation period of not less
13 than twelve months commencing from the person's
14 initial appointment to the civil service position that
15 the person is transferring or being hired into; and

16 (2) Satisfied all requirements for employment prescribed
17 by this chapter and the qualifications prescribed by
18 section 78-1."

19 SECTION 5. New statutory material is underscored.

20 SECTION 6. This Act shall take effect upon approval;
21 provided that section 4 of this Act shall be repealed on
22 December 31, 2012, and section 76-27(a)(1), Hawaii Revised



1 Statutes, shall be reenacted in the form in which it read on the
2 day before the approval of this Act.
3



Report Title:

Civil Service, Initial Probation Period

Description:

Requires every state agency to report to the legislature all non-civil service, temporary employees employed by the agency for each quarterly period of the fiscal year. Establishes a definition for initial probation period; amends section 27(a)(1), HRS, to provide that the initial probation period for a person transferring between a position exempt under section 76-16, HRS, to a civil service position between 12/15/2009 and 12/31/2011 shall be 12 months. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

