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## A BILL FOR AN ACT

RELATING TO CIVIL SERVICE.

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

1           SECTION 1. The purpose of this Act is to amend the civil  
2 service law.

3           SECTION 2. Section 76-41, Hawaii Revised Statutes, is  
4 amended by amending subsection (b) to read as follows:

5           "(b) An appointing authority may release an employee from  
6 the employee's position or discharge an employee from service if  
7 the employee fails to meet the performance requirements of the  
8 employee's position under the following conditions:

- 9           (1) The evaluation process and its consequences were  
10           discussed with the employee;
- 11           (2) The employee was made aware of the employee's current  
12           job description and job-related performance  
13           requirements;
- 14           (3) The evaluation procedures were observed, including  
15           providing the employee the opportunity to meet,  
16           discuss, and rebut the performance evaluation and  
17           apprising the employee of the consequences of failure  
18           to meet performance requirements;



- 1 (4) The evaluation was fair and objective;
- 2 (5) The employee was provided performance feedback during
- 3 the evaluation period and, as appropriate, the
- 4 employee was offered in-service remedial training in
- 5 order for the employee to improve and meet performance
- 6 requirements;
- 7 (6) The evaluation was applied without discrimination; and
- 8 (7) Prior to the end of the evaluation period that the
- 9 employee is being considered for discharge due to
- 10 failure to meet performance requirements, the
- 11 feasibility of transferring or demoting the employee
- 12 to another position within the jurisdiction for which
- 13 the employee qualifies was considered."

14 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY: Hal Abroad

JAN 17 2012



# H.B. NO. 1847

**Report Title:**

Civil Service Discharge Conditions

**Description:**

Clarifies that when an appointing authority, prior to release or discharge of an employee, is considering the feasibility of transferring or demoting the employee to another position for which the employee qualifies, the transfer or demotion considered shall be to another position within the appointing authority's jurisdiction.

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

