

JAN 26 2011

A BILL FOR AN ACT

RELATING TO PUBLIC EMPLOYMENT.

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

1 SECTION 1. The legislature finds that government is faced
2 with many demands on the expenditure of public funds such as
3 accountability, transparency, honesty, and the use of best
4 practices. Government has the responsibility to ensure that the
5 expenditure of public funds is exercised in a prudent and
6 fiscally responsible manner. The legislature also finds that
7 there have been recent situations where nepotism has been
8 charged in the hiring practices used by public officials within
9 the State of Hawaii. The legislature acknowledges that there
10 are no current laws regulating the employment of relatives in
11 Hawaii's state or county governments.

12 The purpose of this Act is to prohibit a public official or
13 public employee from appointing, employing, promoting, or
14 advancing a relative within an agency over which the public
15 official or public employee exercises control.

16 SECTION 2. Chapter 78, Hawaii Revised Statutes, is amended
17 by adding two new sections to be appropriately designated and to
18 read as follows:



1 "§78- Definitions. As used in this section, unless the
2 context clearly requires otherwise:

3 "Agency" means a branch of government, office, department,
4 division, agency, instrumentality, municipality, or a body
5 corporate created by the Constitution of the State of Hawaii or
6 Hawaii revised statutes.

7 "Chain of command" means the line of supervisory personnel
8 that runs from a public official to the head of that public
9 official's agency.

10 "Public employee" means any person receiving remuneration
11 from public funds and in a full-time equivalent position.

12 "Public official" means any nominated, appointed, or
13 elected officer receiving remuneration from public funds.

14 "Relative" means a father, mother, son, daughter, brother,
15 sister, uncle, aunt, first cousin, nephew, niece, husband, wife,
16 father-in-law, mother-in-law, son-in-law, daughter-in-law,
17 brother-in-law, sister-in-law, stepfather, stepmother, stepson,
18 stepdaughter, stepbrother, stepsister, half brother, or half
19 sister.

20 §78- Prohibitive practices. (a) A public official
21 shall not advocate for a relative for appointment, employment,
22 promotion, or advancement to a position in the public official's



1 agency or in an agency over which the public official exercises
2 jurisdiction or control.

3 (b) No public official or public employee of the State
4 shall appoint, employ, promote, or advance to a position in an
5 agency over which the public official or public employee
6 exercises jurisdiction or control:

7 (1) A relative;

8 (2) A relative of another public official elected to or
9 employed by the same agency; or

10 (3) A relative of another public official who exercises
11 jurisdiction or control over the same agency.

12 (c) For the purpose of this section, a public official who
13 recommends a relative or refers a relative for consideration by
14 a public official or public employee standing lower in the chain
15 of command for appointment, employment, promotion, or
16 advancement shall be presumed to have advocated for the
17 appointment, employment, promotion, or advancement of the
18 relative."

19 SECTION 3. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.

22 SECTION 4. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval.

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Report Title:

Public Employment; Relatives; Hiring; Appointment

Description:

Prohibits a public official or public employee from appointing, employing, promoting, or advancing a relative within an agency over which the public official or public employee exercises control or the relative of another public official or employee employed by or exercising control over the same agency.

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