

JAN 20 2012

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 clarify the scope
2 of the field of other positions to be considered for a civil
3 service employee who is being considered for discharge due to
4 failure to meet performance requirements.

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

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

11 (1) The evaluation process and its consequences were
12 discussed with the employee;

13 (2) The employee was made aware of the employee's current
14 job description and job-related performance
15 requirements;

16 (3) The evaluation procedures were observed, including
17 providing the employee the opportunity to meet,
18 discuss, and rebut the performance evaluation and



1 apprising the employee of the consequences of failure
2 to meet performance requirements;

3 (4) The evaluation was fair and objective;

4 (5) The employee was provided performance feedback during
5 the evaluation period and, as appropriate, the
6 employee was offered in-service remedial training in
7 order for the employee to improve and meet performance
8 requirements;

9 (6) The evaluation was applied without discrimination; and

10 (7) Prior to the end of the evaluation period that the
11 employee is being considered for discharge due to
12 failure to meet performance requirements, the
13 feasibility of transferring or demoting the employee
14 to another position within the same department, as
15 defined in section 76-11, for which the employee
16 qualifies was considered."

17 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY: *Cam He*



S.B. NO. 2213

Report Title:

Civil Service; Discharge; Transfer

Description:

Requires an appointing authority to consider another position within the same department for which an employee is qualified before the employee is considered for discharge due to failure to meet performance requirements.

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