
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
- 6 performance 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 department for which
- 13 the employee qualifies was considered."

14 SECTION 3. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

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



Report Title:

Civil Service; Discharge; Transfer

Description:

Requires the consideration of transfer or demotion to another position for which an employee is qualified within the same department before the employee is considered for discharge due to failure to meet performance requirements. (SB2213 HD1)

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

