

ACT 263

H.B. NO. 674

A Bill for an Act Relating to Reemployment and Recall Lists.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 76-25, Hawaii Revised Statutes, is amended to read as follows:

“§76-25 Reemployment and recall lists. Whenever any employee who has been performing his duties in a satisfactory manner as shown by the records of the department of personnel services or the agency in which he has been employed, is demoted because of lack of work or lack of funds, has voluntarily accepted a position in a lower class, has resigned in good standing with the consent of the appointing authority, is retired for ordinary or accidental disability, or whenever his position has been [reclassified] reallocated to a lower class, he shall have the right to have his name placed on the appropriate reemployment list for a period of three years thereafter; provided that he files a written application for reemployment within three years after his [termination] separation, demotion, or reallocation [and]; provided further[,] that the period which an employee spends in a hospital, settlement or place within the State undergoing treatment for Hansen’s disease or tuberculosis, shall be excluded in computing the three year period. A person on a reemployment list shall be deemed eligible for certification to positions in the class in which he last held a permanent status[.] prior to separation, demotion, or reallocation. A person may also be deemed eligible for certification to positions in a class, in the same or lower grade, which are related to the class in which he last held a permanent appointment.

Whenever a regular employee has been laid off because his position has been abolished due to lack of work or funds or because he was displaced by another employee because of reduction-in-force, the employee shall have the right to have his name placed on appropriate recall lists and be deemed eligible for certification to positions in the class in which he last held permanent status or in a related class in the same or lower grade for which he meets the qualification requirements.

The director of personnel services may remove the name of a person on any reemployment or recall list or refuse to certify his name on any list of eligibles, if he finds, after giving him notice and an opportunity to be heard, that the person is no longer able to perform the necessary duties satisfactorily.”

SECTION 2. Section 76-40, Hawaii Revised Statutes, is repealed.

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

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

(Approved June 5, 1985.)

Note

1. Edited pursuant to HRS §23G-16.5.