

ACT 266

S.B. NO. 3156

A Bill for an Act Relating to Public Employment.

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

SECTION 1. Section 76-31, Hawaii Revised Statutes, is amended to read as follows:

“§76-31 Provisional and short term appointments. (a) Provisional appointment pending establishment of an eligible list. When there is no eligible available on a list or when there are fewer than five eligibles on a list and no selection was made from a list that was certified as appropriate for filling a vacancy in a continuing position and the public interest requires that the vacancy be filled before eligibles can be certified, the director [of personnel services] may authorize filling of the vacancy through provisional appointment. The director shall proceed without delay to announce an examination for the filling of the vacancy. The appointment shall continue only for such period as may be necessary to make an appointment from a list of eligibles but shall not extend beyond one hundred eighty days in any twelve-month period, provided that the director may extend the provisional appointment for an additional [six month] six-month period. The conditions under which the director may extend provisional appointments shall be prescribed by rules [and regulations].

(b) Temporary limited appointment. When there is need for temporary employment, the director may authorize the department concerned to make or extend temporary appointments limited to a definite period of time, but not in excess of one year, except as otherwise specifically permitted by law or regulations. If the temporary appointment is not made from among regular employees eligible for noncompetitive action, the director shall certify from an appropriate eligible list, [so long as the list is available.]; provided that when there are fewer than five eligibles on a list and no selection was made from a list that was certified as appropriate, the director may authorize the filling of the vacancy through a temporary appointment.

(c) Emergency appointments. In order to prevent the stoppage of essential public business, emergency appointments, not to exceed ten working days, may be made to fill positions temporarily in any serious emergency when it is not practicable to ascertain whether there is an eligible list. The director for good and sufficient cause, and for reasons given in writing by the department concerned, may extend the appointment for a period not to exceed thirty calendar days.

(d) Except as may be otherwise specified, provisional and temporary appointees must meet the minimum qualification requirements for the specific position to be filled.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 25, 1990.)