

**ACT 71**

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H.B. NO. 3067

A Bill for an Act Relating to Public Employment Probationary Service.

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

SECTION 1. Section 76-27, Hawaii Revised Statutes, is amended to read as follows:

**“§76-27 Probationary service and other requirements for membership.** All employees shall successfully serve an initial probation period before becoming members of the civil service. In addition, membership in the civil service shall require that the employee shall have been appointed in accordance with law and shall have satisfied all the requirements for employment prescribed by this chapter or by the rules [and regulations promulgated] adopted thereunder, including those qualifications prescribed by section 78-1. A member who is promoted or transferred to another position in the civil service may be required to serve a new probation period in the [member’s] new position[,] but [the member] shall be entitled to all the rights and privileges of a member of the civil service, except the right to appeal [in case of] a dismissal from the new position (as distinguished from dismissal from the service) for inefficiency [in the new position,] during the [member’s] probationary period, in which case the member shall be returned to the [member’s] former position.

[If an] An employee who is serving a temporary appointment may subsequently [becomes a probationary employee] be given a probationary appointment in the same position or a related position in the same class within the department [in accordance with the rules and regulations of the department of personnel services, the period of service performed as a temporary appointee shall be subtracted from the period of probationary service required by this section, and the employee shall serve only the remaining period as a probationary employee;] whenever a permanent position is established or is vacated; provided that the employee has been hired initially from the appropriate eligible list[,] and [that] the temporary period of service has immediately preceded the change to probationary status. Upon certification by the appointing authority that the employee has been performing satisfactorily and that the duties the employee has been performing are essentially similar to those required of the probationary appointment, the period of service performed as a temporary appointee shall be subtracted from the probationary period required by this section, and the employee shall serve only the remaining period, if any, as a probationary employee.”

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 May 19, 1992.)