

## ACT 186

H.B. NO. 1832

A Bill for an Act Relating to Hiring.

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

SECTION 1. The legislature finds that the State is facing unprecedented vacancies in state positions. According to the department of human resources development, the state vacancy rate is twenty-three per cent, as reported by departments on November 1, 2022. One contributing factor to the number of state job vacancies is the length of time between when a person applies for a state job to when that person receives a response. The department of human resources development may take up to three to six months to send a list of applicants to a department to schedule an interview. By this time, many qualified applicants have either found a different job or forgotten entirely about continuing the application process for a state job.

The legislature further finds that the large amount of vacancies in the state workforce is exacerbating the state worker shortage, leaving fewer workers to carry the workload, leading to burnout and further worker flight. To support the currently employed state workforce, departments must be adequately staffed with dedicated workers.

The legislature recognizes that departments have requested the ability to review their own applicants as soon as a job posting closes or on a rolling basis. While this may not be practical for all job postings, the ability for departments to select their own highest-need positions and review those job applications directly deserves consideration. A department also has the expertise to determine whether an applicant meets minimum qualifications for a job within that department. This internal department review will not only speed up the review process for key positions but will also relieve the workload of the department of human resources development, allowing it to review the remaining applications for other job openings faster.

The purpose of this Act is to:

- (1) Allow a state department, division, or agency, rather than the department of human resources development, to conduct a minimum qualification review of applicants for vacant positions within the department, division, or agency; and
- (2) Require the department of human resources development to provide state departments, divisions, and agencies the applications received for vacancies under certain circumstances.

SECTION 2. Chapter 76, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§76- Recruitment; minimum qualification review; state departments, divisions, and agencies.** (a) Notwithstanding any other law to the contrary, a state department, division, or agency, rather than the department of human

resources development, may conduct a minimum qualification review of applicants for vacant positions within that department, division, or agency.

(b) A state department, division, or agency that elects to conduct its own minimum qualification review of applicants for a vacancy pursuant to subsection (a) shall notify the department of human resources development, which shall provide to the department, division, or agency:

- (1) For positions with a recruitment closing date, the applications received for the vacancy received by the closing date for that vacancy; or
- (2) For continuous recruitment positions, the applications received for the vacancy that have been received by a certain date, as determined by the state department, division, or agency; provided that the department of human resources development shall continue to transmit applications for that position on a reasonable rolling basis until the particular vacancy is filled;

provided further that the department of human resources development shall submit the applications received for a vacancy immediately to a state department, division, or agency if requested by the applicable state department, division, or agency.

(c) Upon completing the minimum qualification review of applicants for a vacancy, the state department, division, or agency shall submit to the department of human resources development the applications for individuals who have met the minimum qualifications for the vacancy; provided that the state department, division, or agency may immediately begin interviewing applicants that have been determined to meet the minimum qualifications for the vacant position. The department of human resources development shall complete any other tasks necessary to facilitate the hiring of the applicants, including auditing and correcting any errors found in the minimum qualification review, as applicable; provided further that if any errors are found, the department of human resources development shall have five working days to correct the error and notify the state department, division, or agency.”

SECTION 3. New statutory material is underscored.<sup>1</sup>

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

(Approved July 3, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.