



STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES
DEVELOPMENT
POLICIES AND PROCEDURES

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TITLE:

**EMPLOYMENT OF
PERSONS WITH SIGNIFICANT DISABILITIES
FOR SELECTIVE STATE EMPLOYMENT**

APPROVED:

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I. POLICY

Employing agencies shall work closely with the Department of Human Services (DHS), Vocational Rehabilitation and Services for the Blind Division (VRSBD), in providing employment opportunities to persons with significant disabilities.

II. RATIONALE

Persons with significant disabilities can make meaningful contributions to the State of Hawai'i. When such persons are able to meet the operational needs of an agency, their employment in the State workforce should be encouraged.

III. DEFINITION

"Person with a significant disability" means a person who has been determined by the VRSBD to be significantly disabled based on its *Criteria for Determination of Severity of Disability*, dated 10/2002 (DHS 2003 Supplement).

IV. SCOPE

This procedure shall apply when a person with a significant disability is:

- A. Certified as significantly disabled by the VRSBD;
- B. Unable to compete through the normal civil service procedure; and
- C. Found to be capable of performing the essential duties and functions of the position he/she is being considered for, and to meet other public employment requirements (e.g. residence, citizenship, etc.).

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V. RESPONSIBILITIES

A. EMPLOYING DEPARTMENT/AGENCY

The employing department or agency shall be responsible to:

1. Include a program for employing significantly disabled persons within its affirmative action plan;
2. Contact the VRSBD employment coordinator for assistance in establishing a program which will include the referral of significantly disabled persons for participation in such program;
3. Determine, with the assistance of the VRSBD, whether the significantly disabled person is capable of performing the essential duties and functions of the position to be filled;
4. Submit to the Department of Human Resources Development (HRD), a *Position Action Form*, HRD-1 form (Attachment A) requesting that the subject position to be filled by a significantly disabled person be exempt from civil service requirements. Such exemption request shall be resubmitted annually for review and approval unless the significantly disabled person vacates the position sooner;
5. Complete an Employee Personnel Action Report (EPAR) form after the significantly disabled applicant is selected;
6. Assess the work performance of the significantly disabled person and advise the VRSBD and the significantly disabled person as to his/her progress and performance; and
7. Submit an HRD-1 form to terminate the exemption of the position should the significantly disabled person voluntarily separate from the position for which he/she was hired.

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B. DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT (HRD)

HRD shall be responsible as follows:

1. The Employee Staffing Division (HRD/ESD) shall confirm the VRSBD's determination that the significantly disabled person is unable to compete through the usual and customary civil service procedures.
2. The Employee Classification and Compensation Division (HRD/ECCD) shall:
 - a. Review and evaluate all requests to exempt a position from civil service under §76-16 (b) (23), HRS; and
 - b. Ensure that an exemption under §76-16 (b) (23), HRS, is in compliance with the purpose and intent of the law.

C. VOCATIONAL REHABILITATION AND SERVICES FOR THE BLIND DIVISION (VRSBD), DEPARTMENT OF HUMAN SERVICES

The VRSBD shall be responsible to:

1. Provide assistance to requesting employing agencies in the referral of significantly disabled persons;
2. Identify potential VR clients who are determined significantly disabled and unable to compete through the usual and customary civil service procedures, for certification and referral to participating agencies for employment consideration;
3. Submit to HRD/ESD a request to confirm that the individual is unable to compete for the vacancy through the usual and customary civil service procedures (Attachment B), for review and approval;
4. Assist the significantly disabled person in applying for the position;
5. Assist participating agencies in determining whether potential referrals are capable of performing the essential duties and functions of the position to be filled;

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6. Certify that the applicant can safely perform the duties and responsibilities of the position for which the applicant is being considered;
7. Follow up with the employing agency to review the employee's adjustment to the job; and
8. Assist the employing agency in providing any reasonable accommodations (equipment and/or services) which may be necessary for the performance of the essential duties of the position, by the individual with a significant disability.

VI. GENERAL PROVISIONS

- A. Employing agency participation in this program is strictly voluntary.
- B. Participating agencies may consider and select any significantly disabled person referred by VRSBD. The employing agency may consider significantly disabled persons other than those referred by VRSBD, but must obtain VRSBD certification of their disability and of their inability to compete through the normal civil service procedure.
- C. The position for which the significantly disabled person is to be considered shall be exempted from civil service under §76-16 (b) (23), HRS. The exemption shall be renewed annually and shall terminate when the significantly disabled person leaves the position.
- D. Any person appointed under the provisions of this policy shall be subject to all pertinent laws, rules, and policies and procedures relating to exempt employees.
- E. Because of the nature of this program, employing agencies, in cooperation with VRSBD, shall give special attention to evaluating the performance of the participants to achieve successful job placement.
- F. If the significantly disabled person is unable to perform satisfactorily the essential duties and functions of the position, the person shall be discharged and the exemption of the position from civil service shall be terminated.

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VII. PROCEDURES

A. ASSESSING PARTICIPATION AND SERVICE NEEDS

1. The employing agency shall determine and notify the VRSBD employment coordinator of its interest in establishing a program for the referral of significantly disabled persons.

B. ELIGIBILITY ASSESSMENT, WAIVER OF USUAL AND CUSTOMARY CIVIL SERVICE PROCEDURES, AND REFERRAL

1. VRSBD shall determine whether an applicant is significantly disabled based on their specific criteria as set forth in its *Determination of Severity of Disability*.
2. Upon determining that a person is significantly disabled, VRSBD shall submit a request to HRD/ESD to determine whether the significantly disabled person is unable to compete for the vacancy through normal civil service processes (Attachment B).
3. Upon a determination that the significantly disabled person is unable to compete for the vacancy in accordance with usual and customary civil services procedures, HRD/ESD shall approve VRSBD's request.
4. If additional documentation is necessary for ESD to determine whether the significantly disabled applicant is unable to compete under usual and customary civil service procedures, the VRSBD shall provide ESD with all necessary information and/or documentation.
5. Once approved by HRD/ESD, the VRSBD shall provide the participating agencies with the names of the significantly disabled individuals for employment consideration.
6. Prior to requesting a certified list of eligibles, an employing agency who elects to participate, shall identify a vacant position to be filled by a person with a significant disability.
7. The VRSBD will assist the significantly disabled person in applying for the position in the participating agency.

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C. APPROPRIATENESS ASSESSMENT

1. The employing agency shall determine, with the assistance of the VRSBD, whether the significantly disabled person is capable of performing the essential duties and functions of the position to be filled, with or without accommodation.
2. VRSBD shall certify that the applicant can safely perform the duties and responsibilities of the position for which the applicant is being considered (Attachment C).

E. SELECTION AND FOLLOW UP

1. Once the selectee is determined, the employing agency shall request that position to be filled by the significantly disabled person be exempted from civil service. The exemption shall be submitted to the HRD/ECCD and shall be resubmitted annually for review and approval unless the significantly disabled person vacates the position earlier.
2. ECCD staff shall review and evaluate the request to exempt the position from civil service under §76-16 (b) (23), HRS, and shall ensure that it is in compliance with the purpose and intent of the law.
3. Upon selection of the individual, the employing agency shall complete an Employee Personnel Action Report (EPAR).
4. The VRSBD shall follow up with the employing agency on the adjustment of the employee to his/her new position. The employing agency shall assess the work performance of the employee and advise the VRSBD and the employee as to his/her progress and performance. If the employee is unable to perform satisfactorily the essential duties and functions of the position, he/she shall be discharged and the exemption of the position from civil service shall be terminated.
3. If the employee voluntarily separates from the position for which he/she was hired, the employing agency shall submit

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the appropriate forms to terminate the exemption of the position.

Attachment D provides a general representation of the process flow for employing persons with significant disabilities.

VIII. BACKGROUND

This policy supersedes Department of Personnel Services' memorandum "Procedures for Employing the Severely Handicapped," dated June 12, 1986.

IX. AUTHORITIES AND REFERENCES

§ 76-16 (b) (23), Hawai'i Revised Statutes, *Civil service and exemptions*

X. ATTACHMENTS

Attachment A: *Position Action Form, HRD-1*

Attachment B: *Certification of Significantly Disabled Individual for Selective State Employment Program Eligibility*

Attachment C: *Certification for Selective Placement of a Significantly Disabled Individual*

Attachment D: *Process Flow Chart*