



**STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES
DEVELOPMENT
POLICIES AND PROCEDURES**

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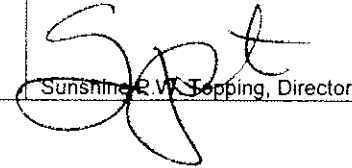
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TITLE:

**TEMPORARY INTER- AND INTRA-
GOVERNMENTAL ASSIGNMENTS AND
EXCHANGES**

APPROVED:


 Sunshine R. V. Topping, Director

I. POLICY

With the approval of the Governor, State employees may share their expertise and gain further knowledge and experience in public service by working in other jurisdictions or departments through temporary inter- and intra-governmental assignments or exchanges.

II. RATIONALE

An inter- and intra-governmental assignment or exchange can offer the benefit of promoting the spirit of cooperation and closer working relationships within and between government agencies. These assignments or exchanges also provide an opportunity for the State to explore reassignments that may increase efficiency in government operations.

III. DEFINITIONS

“Agency” means any State department or agency, any local, national, or foreign government, or any private agency with government-sponsored programs or projects.

“Detail” means a temporary inter-/intra-governmental assignment or exchange in accordance with Section 78-27, HRS, without additional compensation.

“Department head” means, for the State Executive Branch, a person who is appointed by the Governor with the advice and consent of the senate to preside over a department; or for the judiciary, the chief justice; or for the department of education, the superintendent of education; or for the counties, a person who is appointed by the mayor of the respective county to preside over a department; or for the Hawai'i Health Systems Corporation (HHSC), the chief executive officer; or for the University of Hawai'i (UH), the president of the UH.

“Elected official” means a person whose appointment or continued appointment is determined by the results of an election.

“Employer” means the Governor for the State of Hawai'i, the respective mayors for their respective counties, the chief justice for the judiciary, the board of education for the department of education, the board of regents for the UH, the chief executive officer for the HHSC, and any individual who represents and is authorized to act in their interest in dealing with public employees.

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“Exchange” means the interchange of employees between sending and receiving agencies.

“Inter-governmental” means between the State and the county government, federal government, foreign government, department of education, UH board of regents appointee system, HHSC, or Judiciary.

“Intra-governmental” means between two State Executive Branch departments.

“Leave of absence without pay” means a temporary unpaid absence from duty.

“Receiving Agency” means any State, local, national, or foreign governmental agency or private agency with government-sponsored programs or projects, which receives the employee.

“Sending Agency” means any State, local, national, or foreign governmental agency or private agency with government sponsored programs or projects which sends the employee.

“State” means any department in the executive branch except for the department of education, UH board of regents’ appointees, and the HHSC.

“Temporary inter-/intra-governmental assignment” means the assignment of a State employee by a department head to perform work in another jurisdiction or department, while remaining in the employee’s own position through a detail or vacating the employee’s position on a leave of absence without pay.

IV. SCOPE

This policy applies to all civil service and exempt employees in the executive branch under the jurisdiction of the Department of Human Resources Development (DHRD), excluding elected and appointed officials.

V. GENERAL PROVISIONS

A. SENDING AGENCY

As a Sending Agency, the department head shall place its employee who will be serving a temporary inter-/intra-governmental assignment or exchange on a leave of absence without pay or on a detail.

1. Leave of Absence Without Pay

An employee who is placed on a leave of absence without pay is temporarily appointed to a position with the Receiving

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Agency and, therefore, shall be paid from the Receiving Agency's payroll. The employee shall be entitled to the same rights and benefits as any other employee of the Sending Agency who is on an approved leave of absence without pay.

2. Detail

An employee who is placed on a detail shall continue to occupy the employee's position and shall, therefore, continue to be paid from the Sending Agency's payroll.

B. RECEIVING AGENCY

1. When the employee is placed on a leave of absence without pay by the Sending Agency.

The employee shall be temporarily appointed to a position with the Receiving Agency. The Receiving Agency may give the employee an exempt appointment and grant rights and benefits as other exempt appointees of the Receiving Agency if it will benefit from the assignment or exchange. When appointing an employee to an exempt position, departments shall do so in accordance with Policies and Procedures No. 1000.001, Exempt Service or pursuant to the employment processes and procedures of another Employer when the exempt position is not under the control of the State.

2. When the employee is placed on detail by the Sending Agency.

The salary of the employee on detail shall still be paid by the Sending Agency. However, the Receiving Agency may pay for or reimburse the Sending Agency for the costs, or any portion of the costs, of salaries, benefits, and travel and transportation expenses if it will benefit from the detail.

C. STATUS OF EMPLOYEE

The Receiving Agency shall not consider the employee on a temporary inter-/intra-governmental assignment or exchange who is detailed from the Sending Agency as its employee, except for the purpose of disability or death resulting from personal injury arising out of and in the course of the detail.

Upon return, an employee who was serving a temporary inter-/intra-governmental assignment or exchange shall be returned to the employee's former position and have his/her compensation adjusted

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as though the employee had never left his/her position and department.

1. If the employee's former position is not available, the employee shall be placed in a comparable position.
2. If the employee's former position has been abolished and a comparable position cannot be found, the employee, who is a permanent member, shall be considered for placement in accordance with the applicable authority for layoff.

D. WRITTEN AGREEMENTS

A written agreement (see Attachment A sample agreement) must be in place before a temporary inter/intra governmental assignment or exchange can be implemented. The agreement should include, but need not be limited to, the following provisions:

1. Basis for establishment of the agreement, e.g. at the request of Receiving or Sending Agency;
2. Duration of the temporary assignment or exchange;
3. Duties to be performed by the respective employee(s);
4. Supervision of the employee(s);
5. Costs of salary and benefits;
6. Responsibility for the payment of additional salary and expenses (e.g. travel and transportation benefits), if any, that are incidental to the assignment or exchange;
7. Rights and benefits that the employee(s) shall receive while employed with the Receiving Agency (e.g., vacation and sick leave);
8. Rights and benefits that the employee(s) shall receive upon return to the Sending Agency; and
9. Contingency plans if the employee's assignment or exchange is terminated before the expiration of the agreement.

VI. ADMINISTRATIVE PROCEDURES

A. GOVERNOR'S APPROVAL

The written approval of the Governor is required for any assignment of exchange under this policy.

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B. APPLICATION FOR LEAVE OF ABSENCE, FORM G-1

1. Once the Governor has approved a temporary inter-intra-governmental assignment leave of absence without pay, the Departmental Personnel Office (DPO) must prepare the Form G-1 and transmit it to the employee for review and signature. The completed and signed Form G-1 will then be used to prepare the Employee Personnel Action Report, to report the leave of absence without pay.

On the Form G-1:

- a. Item "b. WITHOUT PAY, for the purpose of" – Enter either "Temporary Inter-Governmental Assignment" or "Intra-Governmental Assignment" for the "Type of Leave."
 - b. The "begin" and "end" dates of the leave without pay period must be the same as those on the approved agreement.
2. The completed and signed Form G-1 must be received by the DPO no later than 30 days prior to the begin date of the leave of absence without pay. If the Sending Agency DPO does not receive the completed and signed Form G-1 by the time indicated, the DPO can coordinate with the Receiving Agency.

The DPO may change the begin date of the temporary inter-/intra-governmental assignment or exchange to provide sufficient time to audit/transfer leave balances and assure continuity between payrolls.

C. EMPLOYEE ATTENDANCE AND LEAVE RECORD, HRD FORM 7

1. Use "TIA" for Temporary Inter-/Intra-governmental Assignment or "TIE" for Temporary Inter-/Intra-governmental Exchange to indicate the begin and end dates of the assignment or exchange.
2. Employee leave records will be transferred to the Receiving Agency DPO unless otherwise provided for in the applicable agreement.

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D. EMPLOYEE PERSONNEL ACTION REPORT (EPAR)

If the temporary assignment or exchange is implemented with a leave of absence without pay, the Sending Agency must prepare and submit an EPAR using the following Action/Action Reasons codes.

1. LOA/TIA for Temporary Inter-governmental Assignment
2. LOA/TAA for Temporary Intra-governmental Assignment
3. LOA/TIE for Temporary Inter-governmental Exchange
4. LOA/TAE for Temporary Intra-governmental Exchange

If the temporary assignment or exchange is implemented with a detail, an EPAR is not required as the employee will be providing services while occupying his/her position with the Sending Agency.

E. EMPLOYEE BENEFITS

1. The benefits of an employee who is participating in a temporary inter-/intra-governmental assignment or exchange will be determined by the type of assignment or exchange, whether the employee is placed on a leave of absence without pay or a detail, the employee's position in the Sending Agency and the position the employee is to be employed in at the Receiving Agency.
2. Refer to Section D. 3 of Attachment A as a checklist when assessing/determining the benefits for employees participating in a temporary inter-/intra-governmental assignment or exchange and draft the applicable agreement accordingly.

VII. AUTHORITIES AND REFERENCES

Section 78-27, Hawai'i Revised Statutes, *Temporary inter- and intra-governmental assignments and exchanges*

§ 14-1-3 (3), Hawai'i Administrative Rules, *General responsibilities of the director*

VIII. ATTACHMENT

Attachment A: Sample agreement for Temporary inter-governmental assignment