

HAWAII ADMINISTRATIVE RULES

TITLE 14

DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT

SUBTITLE 1

STATE OF HAWAII HUMAN RESOURCES RULES

CHAPTER 1

GENERAL CIVIL SERVICE PROVISIONS; DEFINITIONS

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SUBCHAPTER 1

GENERAL CIVIL SERVICE PROVISIONS

§14-1-1 Purpose of chapter; statement of policy.
The purpose of this chapter is to set forth the fundamental character of the system of human resources administration governed by these rules consistent with

merit principle. [Eff 6/22/81; comp 8/1/91; am and comp 6/11/92; am and comp 4/1/02; comp DEC 01 2003]
(Auth: HRS §§26-5, 76-17) (Imp: HRS §§26-5, 76-17)

§14-1-2 Applicability of rules. (a) These rules shall apply to the state civil service system, including all positions and all incumbents of such positions. Unless a rule so specifies, it shall not apply to positions and employees in the exempt service.

(b) The state civil service system shall include all positions in the executive branch of the government except those specifically exempted therefrom by or pursuant to statute or by the director in accordance with section 76-16, Hawaii Revised Statutes, as amended. The director is authorized and directed to determine finally whether a position is in the merit system. [Eff 6/22/81; comp 8/1/91; am and comp 6/11/92; am and comp 4/1/02; comp DEC 01 2003] (Auth: HRS §§26-5, 76-17) (Imp: HRS §§26-5, 76-17)

§14-1-3 General responsibilities of director. The director shall:

- (1) Be responsible to the governor for the proper application of the civil service law and all other applicable statutes.
- (2) Exercise and provide leadership in human resources matters throughout the state service.
- (3) Develop and promulgate policies, rules, standards, guidelines, and procedures applicable to the state service, designed to promote the efficiency of the state service governing such matters as the following:
 - (A) Classification and related systems to support sound utilization of human resources, recruitment of qualified personnel, and appropriate pay and pay relationships amongst personnel;
 - (B) A civil service merit-based recruitment system;

- (C) A performance appraisal system for the purpose of evaluating the performance of employees in the civil service and improving employees' performance, consistent with chapter 76-41, Hawaii Revised Statutes;
- (D) An incentive and service awards program for the purpose of recognizing employees who contribute to the efficiency, economy, or other improvement of government operations or who perform exceptionally meritorious special acts or services in the public interest in connection with or related to their official employment, consistent with the policies of the governor;
- (E) Orderly, uniform, and fair procedures for the non-disciplinary separation of employees from the state service;
- (F) Circumstances under which civil service positions may be excepted from the civil service classification system and/or civil service recruitment system;
- (G) Pay administration system which provides for the proper compensation of employees and adjustments thereto as necessitated by personnel movements and employment actions;
- (H) A leave program whereby employees may be reasonably excused from work for rest, recreation, health, and other purposes;
- (I) Administration of a program for employee work hours and observance of holidays and a system under which the pay of employees may be adjusted for certain hours, days or conditions of work;
- (J) A program to establish and maintain medical requirements and require medical examinations in order to:
 - (i) Ensure that persons seeking employment in the civil service system meet the physical and mental

requirements necessary for the safe and efficient performance of the duties of the position for which they are being hired and can be expected to continue to meet physical and mental requirements for continued employment.

- (ii) Ensure that each employee is able to perform their duties satisfactorily and without undue hazard to the employee or others or without undue hardship on the operation of the program. Medical requirements and examinations shall include, but need not be limited to, pre-employment medical examinations, return to work examinations, medical re-evaluations, the method of administration of medical examinations, and the consequences of employees failing to meet physical and mental requirements in order to perform their duties.
- (K) A program for placing employees who are medically unqualified to perform their usual and customary job because of a work related or non-work related injury;
- (L) Establishing safety and health standards to ensure safe places of employment and compliance with all applicable safety, health and workers' compensation laws, executive orders, policies, procedures, standards and guidelines;
- (M) A recruitment incentive program that offers travel and transportation expenses or monetary incentives to persons employed or appointed to critical-to-fill and labor shortage

- positions. Permissible expenditures will be covered by guidelines issued by the director;
- (N) Pay programs and/or alternate programs that will help to attract and retain efficient and effective employees in State government;
 - (O) A probation period that shall be used as a test to determine an employee's fitness and ability for employment in the civil service and the position;
 - (P) Conditions under which non-civil service appointments may be made.
- (4) Maintain an adequate system of review to determine that equitable and sound application of statutes, executive orders, policies, rules, standards, guidelines and procedures relating to human resources management is being carried out by the department. Whenever the review reveals failure on the part of a department to comply with established principles and directives, the director shall take actions as may be appropriate to obtain compliance therewith. [Eff 6/22/81; comp 8/1/91; am and comp 6/11/92; am and comp 4/1/02; comp DEC 01 2003] (Auth: HRS §§26-5, 76-17, SLH 2000, Act 253) (Imp: HRS §76-12, SLH 2000, Act 253)

S14-1-4 General responsibilities of departments.

- (a) The head of each department shall be responsible for human resources management within each department and shall provide for the cooperation of the department with the department of human resources development in the administration of human resources matters.
- (b) Authority for the administration of departmental human resources matters may be delegated to those officials responsible for planning, directing, and supervising the work of others to the extent compatible with economical and efficient administration. The

exercise of the authority shall be subject to policies, rules, guidelines, procedures, and standards established by the head of the department and the department of human resources development.

(c) Each employing department shall be responsible for establishing and maintaining written human resources policies which conform to the applicable laws, rules, policies, guidelines, procedures, and standards of the civil service system. [Eff 6/22/81; comp 8/1/91; am and comp 6/11/92; am and comp 4/1/02; comp DEC 0 1 2003] (Auth: HRS §§26-5, 76-17, SLH 2000, Act 253) (Imp: HRS §§26-5, 76-17, SLH 2000, Act 253)

§14-1-5 Reporting human resources information.

Each department shall report human resources information to the director as the director deems necessary as to matters within the director's jurisdiction. The information shall be supplied at the time and manner as the director prescribes. [Eff 6/22/81; comp 8/1/91; am and comp 6/11/92; am and comp 4/1/02; comp DEC 0 1 2003] (Auth: HRS §§26-5, 76-17) (Imp: HRS §§26-5, 76-17)

§14-1-6 Authority to investigate. The director

may conduct investigations to secure enforcement of chapter 76, Hawaii Revised Statutes, and other pertinent portions of law and the rules, policies, standards, guidelines and procedures governing civil service system employment. [Eff 6/22/81; comp 8/1/91; am and comp 6/11/92; am and comp 4/1/02; comp DEC 0 1 2003] (Auth: HRS §§26-5, 76-17, SLH 2000, Act 253) (Imp: HRS §§76-12, 76-13, SLH 2000, Act 253)

§14-1-7 Enforcement authority of director.

Whenever the director finds:

- (1) That any person has been appointed to, or is holding or performing the duties of a position in violation of any of the laws, policies, standards, guidelines and

procedures administered by the director, the director is authorized, after giving due notice and opportunity for explanation, to certify the facts to the department with specific instructions for corrective action. Whenever the director issues specific instructions for corrective actions, the appointing authority concerned shall comply with the director's orders and make a report thereon to the director. If the appointing authority fails to do so, the director shall certify the facts to the comptroller, with a copy to the department concerned, and thereafter no payment shall be made of salary or wages accruing to the appointing authority.

- (2) That any officer or employee has violated the laws, policies, standards, guidelines and procedures administered by the director, the director shall take action in accordance with law as may be appropriate to secure compliance. [Eff 6/22/81; comp 8/1/91; am and comp 6/11/92; am and comp 4/1/02; comp DEC 01 2003] (Auth: HRS §§26-5, 76-17, SLH 2000, Act 253) (Imp: HRS §§26-5, 76-12, 76-17, SLH 2000, Act 253)

§14-1-8 Equal employment opportunity. There shall be equal opportunity for all in compliance with all laws prohibiting discrimination. [Eff 6/22/81; comp 8/1/91; am and comp 6/11/92; am and comp 4/1/02; comp DEC 01 2003] (Auth: HRS §§26-5, 76-17, SLH 2000, Act 253) (Imp: HRS §§76-1, 76-44, 78-2, SLH 2000, Act 253)

§14-1-9 Delegation of authority. The director may delegate to departments authority to act in human resources matters in accordance with policies, rules, guidelines, procedures, and standards issued by the

director. [Eff 6/22/81; comp 8/1/91; am and comp
6/11/92; am and comp 4/1/02; comp DEC 01 2003]
(Auth: HRS §§26-5, 76-17, SLH 2000, Act 253) (Imp:
HRS §§26-5, 76-17, SLH 2000, Act 253)

SUBCHAPTER 2

DEFINITIONS

§14-1-15 Definitions. Unless otherwise indicated by the context, words used in these rules are understood to have the following special meanings:

"Administrative review" means a re-evaluation of an eligibility rating or determination, initial pricing, or classification action in accordance with the provisions set forth in these rules, and policies, standards, guidelines and procedures established by the director.

"Appointing Authority" means the department head or designee having the power to make appointments or changes in the status of employees.

"Assembled examination" means an examination for which applicants are required to assemble or be physically present at appointed times and places.

"Calendar day or day" means a period which begins at midnight and ends twenty-four hours later at midnight.

"Certificate of eligibles" means the official document through which eligibles are referred for employment consideration.

"Certification" means the process whereby the names of qualified persons on the eligible lists are referred to the appointing authority.

"Civil service appointment" means an appointment to a civil service position from an appropriate eligible list.

"Civil service employee" is an employee who has met all requirements for membership under section 76-27, Hawaii Revised Statutes.

"Civil service positions" are all positions within a jurisdiction that are not exempt from civil service

law and must be filled through civil service recruitment procedures based on merit.

"Civil service law" means chapter 76 of the Hawaii Revised Statutes, as amended. Unless the context of a specific rule clearly indicates otherwise, all terms used herein shall have the same meaning as in the civil service law.

"Civil service recruitment procedure" means the procedure for the competitive process by which an applicant is deemed qualified for a civil service appointment.

"Civil service system" means the merit system. See merit system.

"Class or class of work" means a group of positions that reflect sufficiently similar duties and responsibilities such that the same title and pay range may apply to each position allocated to the class.

"Classification" means the process of establishing an occupational framework and grouping positions on the basis of the kind and level of work and knowledge, skills, competencies and qualifications required.

"Compensatory time-off" means the number of hours which an employee is scheduled to be absent from work as mutually agreed to with the employee's appointing authority when such absence is credited as compensatory time-off and charged against the employee's compensatory time credit.

"Compensatory time credit" means the number of hours of credit which an employee earns for overtime work, determined on the basis of one and one-half hours for each hour of overtime work.

"Competitive examination" means an examination from which an eligible list is established. The competitive examination may be open to the public who qualify for admission.

"Continuous recruitment and examination announcement" means an announcement of competitive examination without a closing date for which applications are received and examinations conducted on a continual basis.

"Director" means the director of human resources development.

"Earned rating" means the rating attained as a result of a competitor's qualification or performance or both in examination without credit for the points added through veteran's preference.

"Eligible" means a person whose name is on an eligible list.

"Eligible list" means a list, also referred to as a register, of persons who have qualified for appointment to positions in a particular class through the civil service recruitment procedures.

"Employee" or "public employee" means any person holding a position in the service of a jurisdiction, irrespective of status or type of appointment.

"Examination" means any test or accepted personnel assessment technique used to measure the fitness and ability of applicants for employment which may include, but are not limited to: written tests, oral tests, interviews, essays, tests of physical fitness or ability, medical examinations, performance tests, training and experience evaluations, background and suitability determinations, probation period, in-basket assessment, biodata assessments personality measures, and assessment centers.

"Exempt employee" means a person who is appointed to and who occupies a position exempted pursuant to section 76-16, Hawaii Revised Statutes.

"Initial Pricing" means the determination of the appropriate pay range and pay relationships for a new class based on appropriate factors.

"Initial probation period" is the probation period required of a person entering the state civil service that is the final test of the person's fitness and ability for the position before acquiring membership in the civil service.

"Inter-departmental promotional examination announcement" means a recruiting notice announcing the receipt of applications for participation in an examination for positions in a particular class, admission to which is limited to employees who are members of the civil service.

"Inter-jurisdictional" means between the state executive branch and the judicial branch of the State,

or the legislative branch of the State, or any county government, or incorporated State organization that is not part of the executive branch.

"Internal examination" means an examination which is administered without a competitive recruitment and examination announcement, generally to evaluate the qualifications of a member of the civil service for an in-service change.

"Intra-departmental promotional examination announcement" means a recruiting notice announcing the receipt of applications for participation in an examination for positions in a particular class, admission to which is limited to employees of a particular state agency in the executive branch who are members of the civil service.

"Membership in the civil service" means the status and rights enjoyed by an employee who successfully completes an initial probation period and demonstrates continued fitness and ability by meeting all performance requirements of the employee's position.

"Merit principle" means the selection of persons based on their fitness and ability for public employment and the retention of employees based on their demonstrated appropriate conduct and productive performance.

"Merit system" means the system based on merit principles within the meaning of section 76-1, Hawaii Revised Statutes, as amended, and Article XIV, Section 1, of the Hawaii State Constitution.

"Minimum qualification" means the minimum experience, education, licensing, and other special requirements essential for performance in a class of work or a position.

"New probation period" means a probation period required of a member of the civil service.

"Non-civil service appointment" means an appointment to a civil service position made without the use of an eligible list.

"Open-competitive examination announcement" means a recruiting notice announcing the receipt of applications from the general public for participation in an examination for positions in a particular class.

"Open-competitive list" means a list of persons who have been found qualified by an open-competitive examination for appointment in a particular class.

"Pay Range" means the group of salary rates from minimum to maximum authorized for a pay grade in a salary schedule.

"Permanent appointment" means an appointment without a limitation date to a permanent position that allows the employee to become a member of the civil service.

"Permanent position" means a position without time limitation and which is included in a department's position ceiling as authorized in the general appropriation act, administrative directives or by specific language in other legislative acts.

"Position" means a specific job, whether occupied or vacant, consisting of all the duties and responsibilities assigned or delegated by competent authority, requiring the full or part-time employment of one person.

"Position description" means an official written statement of the major duties and responsibilities assigned to the position by the appointing authority, the organizational relationships, the knowledge, skills and abilities required of the position and other pertinent information.

"Pricing" means determining the appropriate pay range and pay relationships for a class based on appropriate factors.

"Rating" means the score or measure of performance of an applicant in an examination.

"Reallocation" means the movement of a position from one class to another class based on a change in the duties, level of difficulty, authority, responsibilities, qualification requirements and other factors.

"Reallocation downward" means the reallocation of a position to a class assigned to a lower pay range in the same salary schedule.

"Reallocation upward" means the reallocation of a position to a class assigned to a higher pay range in the same salary schedule.

"Reclassification" means a change in the class to which a position is allocated based on a change in the classification system.

"Recruitment" means the process of locating applicants for employment.

"Related class" means a class which requires substantially similar knowledge, skills and abilities as another class.

"Related series" means a series of classes which requires substantially similar knowledge, skills and abilities as another series.

"Repricing" means changing an existing class from its present pay range to another pay range in the same salary schedule based on appropriate factors.

"Salary schedule" means a table of pay rates and ranges.

"Select priority list" means a list composed of a former employee of the executive branch who was released under the conditions covered by section 386-142, Hawaii Revised Statutes.

"Selective certification" means the process by which certification is limited to those persons possessing knowledge, skills, abilities and other characteristics deemed critical to the successful performance of the work of a specific position.

"Series of classes" means classes similar as to subject matter of work, but differing in level of difficulty, responsibility, and qualifications required.

"Students" means persons who are enrolled or who have been accepted for enrollment on a full-time basis as resident students (as distinguished from a correspondence school student) of a secondary school or educational institution of higher learning.

"Suitability" means fitness for employment after consideration of such factors as physical and mental ability, character, criminal history record, and employment record.

"Temporary assignment" means the assignment by a competent authority and the assumption, without a formal change in position, of all or a major portion of the significant duties and responsibilities of another position.

"Termination" means the severing of an employee's employment with an employer. It may be at the employee's initiative or that of the employer.

"Unassembled examination" means an examination in which applicants are not assembled or required to be physically present for a test. [Eff 6/22/81; am 11/9/81; am 9/25/82; am 5/19/89; comp 8/1/91; am and comp 6/11/92; am and comp 4/1/02; comp DEC 01 2003]
(Auth: HRS §§26-5, 26-38, 76-17, 76-42, 76-43, 76-103) (Imp: HRS §§26-5, 26-38, 76-1, 76-12, 76-13, 76-15, 76-16, 76-17, 76-18, 76-19, 76-27, 76-29, 76-30, 76-41, 76-42, 76-43, 76-45, 76-46, 76-47, 76-101, 76-103, 78-1, 92-50, 92-57, 396-6, 831-2; Chapter 43, Title 38, U.S.C.)