

HAWAII ADMINISTRATIVE RULES

TITLE 14

DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT

SUBTITLE 1

STATE OF HAWAII HUMAN RESOURCES RULES

CHAPTER 3.02

CERTIFICATION

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§14-3.02-7	Repealed [4/1/02]
§14-3.02-8	Repealed [4/1/02]

§14-3.02-1 Duration of eligibility. (a) An eligible on an open or promotional competitive eligible list shall have eligibility for employment consideration for no less than six months from the date the list is established or until the list is canceled or terminated. The eligibility period may be extended at the discretion of the director.

(b) An applicant who applies for classes or positions not specifically under recruitment may receive employment consideration for not less than two months from the date of application unless the period is extended by the director.

(c) A person on the select priority list shall be eligible for employment consideration until the person secures new employment, except that an employee with a temporary appointment who does not have return rights to a permanent position, shall be eligible only to the end date of the temporary appointment. [Eff 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, 76-13, 76-17, 76-23, 386-14, SLH 2000, Act 253)

§14-3.02-2 Certification of eligibles. (a) Upon receipt of a request for a list of eligibles, the director shall certify names from available lists of eligibles for each vacancy in accordance with this section.

(b) The order of eligible lists to be used for certification shall be as follows:

- (1) Select priority list;
 - (A) Eligibles on the select priority list consists of employees of the executive branch whose services are suspended or terminated because of a work injury;
 - (B) A select priority eligible with a temporary appointment who does not have return rights to a permanent position, shall be certified to temporary vacancies, the duration of which shall not exceed the end date of the eligible's previous temporary appointment; and
 - (C) When there is more than one eligible who is available and qualified for a vacancy, all eligibles shall be certified.
- (2) Intra-departmental promotional list;
- (3) Inter-departmental promotional list;
- (4) Recall list; and
- (5) Open competitive list. An eligible on an open competitive list shall be certified on the basis of the eligible's examination

ratings and availability for work location and duration of employment.

(c) Unless the select priority list is used, a certification of eligibles for each vacancy in a department shall consist of a number of eligibles as determined by the appointing authority who are available for the same or related class in the order specified in this section. Eligibles shall be certified in the order that they appear on the eligible list before applying veterans preference, provided that;

- (1) Veterans whose examination scores, after addition of the applicable preference, are equal to or exceed the examination score of the last eligible certified shall also be certified;
- (2) When the last eligible to be certified is one of two or more eligibles who have identical examination scores, those two or more eligibles shall also be certified; and
- (3) A non-resident eligible shall be certified only when resident eligibles are not available; provided, however, if the position has been declared to be in shortage category, or has been approved for recruitment-at-above the minimum pay rate, or has been determined by the director as being difficult-to-fill and provided further that the conditions specified in section 78-1(d), HRS, were met, the director may authorize the certification of non-resident eligibles along with resident eligibles for employment consideration. [Eff 6/11/92, 4/3/00; am and comp 4/1/02; comp DEC 01 2003] (Auth: HRS §§ 26-5, 76-17, SLH 2000, Act 253) (Imp: HRS §§ 26-5, 76-13, 76-17, 78-1, 386-142, SLH 2000, Act 253)

§14-3.02-3 Selective certification. When there is no list of eligibles appropriate as a whole for certification for filling a particular position requiring distinctive or unique qualifications, the director may certify selectively the names of eligibles

who are qualified for the particular position. The certification may be in the order of the eligible's current ranking, or of a new ranking as determined by the director, based upon the particular requirements of the position. [Eff 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, 76-13, 76-17, SLH 2000, Act 253)

§14-3.02-4 Appointing authority to contact eligibles. The appointing authority may contact as many eligibles or qualified applicants, or both, as deemed necessary to fill the vacant position based on job related factors and valid program needs. [Eff 6/11/92, 4/3/00; am and comp 4/1/02; comp DEC 01 2003] (Auth: HRS §§26-5, 76-17, SLH 2000, Act 253) (Imp: HRS §§26-5, 76-13, 76-17, SLH 2000, Act 253)

§14-3.02-5 Suspension and termination of eligibility; restoration of eligibility. (a) The director may suspend an eligible or an applicant from employment consideration for good reason, including but not limited to the following:

- (1) The eligible or applicant fails to demonstrate interest or availability for employment;
 - (2) The eligible or applicant is unable or ineligible to perform the work; or
 - (3) Further investigation of the applicant or eligible's suitability needs to be conducted.
- (b) Upon written request, the following eligibles may have their names restored to the eligible list if the list is still active:
- (1) A probational employee who terminated without delinquency or misconduct;
 - (2) An eligible who is currently available for employment; or
 - (3) An eligible who had been suspended because of correctable physical reasons and who currently meets physical standards.

(c) The director may terminate the eligibility of an eligible or an applicant for good reason, including but not limited to:

- (1) The person is found to be ineligible for appointment;
- (2) The person withdraws from consideration; or
- (3) The eligible demonstrates lack of interest in employment after restoration to the list.
[Eff 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, 76-13,
76-17, 76-29, 831-2, SLH 2000, Act 253)

§14-3.02-6 Cancellation of competitive eligible lists. The director may cancel an eligible list for good reason and shall notify all affected applicants and eligibles of the cancellation. [Eff 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, 76-13, 76-17, SLH 2000, Act 253)

§14-3.02-7 Repealed. [4/1/02]

§14-3.02-8 Repealed. [4/1/02]