



STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES
DEVELOPMENT
POLICIES AND PROCEDURES

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TITLE:

TYPES OF APPOINTMENTS

APPROVED:

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I. POLICY

A *civil service appointment* shall be granted when the individual is appointed through the internal vacancy announcement process or the merit-based, civil service recruitment and selection procedures.

A *non-civil service appointment* shall be granted when the appointment is made without the benefit of the civil service recruitment and selection procedures to fulfill immediate and relatively short-term operational needs.

II. RATIONALE

While an effective civil service system is based upon a consistently applied scheme, it must still be flexible enough to meet permanent and temporary human resources needs. Appointments shall be appropriately responsive to program demands and conducted in a timely and efficient manner.

III. SCOPE

These procedures shall apply to the filling of civil service positions, including those that are exempt from the civil service classification system.

These procedures are not applicable to the filling of exempt positions (positions that are exempt from civil service under §76-16(b), HRS).

IV. GENERAL PROVISIONS FOR CIVIL SERVICE APPOINTMENTS

A. A permanent *civil service appointment* may be granted through any of the following methods:

1. The individual is appointed to a vacant civil service position through a process that was initiated by the submission of HRD Form HRD 305, *Requisition for Certification of Eligibles*.
2. The individual is a member of the civil service and is appointed to the civil service position via the internal vacancy announcement.
3. The individual is a member of the civil service in another jurisdiction and is appointed to a vacant civil service position through a process that was initiated by the submission of HRD Form 398, *Request for Appointment Approval*.

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- B. A temporary civil service appointment may be made for the specific period of time needed to complete the temporary work. The appointment may be extended by the director upon adequate showing that the extension is necessary to complete the job for which the employee was originally employed. A temporary appointment may be made by the following methods:
1. The individual is a member of the civil service and is appointed through an internal vacancy announcement provided that a civil service member with a permanent appointment who is so appointed shall, upon release from the temporary appointment, be returned to the position which the employee last held a permanent appointment.
 2. The individual is appointed from a certificate of eligibles, provided that a civil service member with a permanent appointment who is so appointed shall, upon release from the appointment, be returned to the position which the employee last held a permanent appointment.
- C. A civil service member with a permanent appointment who elects to continue in a temporary appointment through an extension of that temporary appointment shall have return rights to his or her last held permanent appointment; provided that:
1. Prior to the start of the extension of the temporary appointment, the employee submits a written request and receives written approval for his or her return rights from the appointing authority that has control over such employee's last held permanent appointment.
 2. If the appointing authority does not provide written approval for the employee's return rights, the employee shall be terminated from temporary service at the end of the extension of the temporary appointment.
 3. Written approval of a request for an employee's return rights is required for each extension of a temporary appointment.

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V. GENERAL PROVISIONS FOR *NON-CIVIL SERVICE APPOINTMENTS*

A. Non-Civil Service Temporary Appointments Outside the List (“TAOL”)

A *Non-Civil Service Temporary Appointment Outside the List (“TAOL”)* may be granted when there is no available eligible on an appropriate list or when the director determines that the period of the temporary appointment makes it impracticable to fill the position by civil service recruitment procedures and there is insufficient time for an employee to complete an initial probation period. The following conditions shall apply:

1. When HRD determines recruitment needs to be conducted to fill a permanent vacancy, the appointment may be granted for a period not to exceed six months.
2. For temporary vacancies, the appointment shall be for a period not to exceed one year.
3. The appointing authority shall submit a request for a certified list of eligibles, HRD Form 305, to HRD for temporary appointments of at least one year.
4. The appointee must meet the minimum qualification requirements of the position, public employment requirements under § 78-1, HRS, and possess the necessary occupational license, certification, or registration as required by applicable statutes or regulations. Reasonable steps shall be taken to ensure that applicants meet the suitability requirements of the class of work.
5. The appointing authority may request and be granted one extension to continue the employee in a *non-civil service temporary appointment outside the list* provided that the extension may be granted for and under the following circumstances:
 - a. For **permanent** positions, a six-month extension may be granted **only** for the following reasons:
 - i. Recruitment failed to produce qualified eligibles or the establishment of the eligible list is delayed;
 - ii. Selection and appointment of an eligible is pending the completion of Reduction-in-Force, or

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- iii. For any other reason approved by the director.
- b. For **temporary** positions, an extension for a period not to exceed one year may be granted for and under the following circumstances:
 - i. When the temporary federal funded or special project is extended after the expiration of the period for which it was scheduled;
 - ii. When the leave of absence without pay of the incumbent is extended;
 - iii. When the circumstances which led to the filling of the permanent position on a temporary basis continues to exist;
 - iv. Pending position classification action, administrative review, or appeal of a classification action;
 - v. Pending reorganization; or
 - vi. Budgetary restrictions.
- c. An extension may be granted, provided eligibles are not available on an appropriate list.
- d. The extension of an employee in a permanent position shall not exceed six months.
- e. The extension of an employee in a temporary position shall not exceed twelve months.

B. 89-Day Non-Civil Service Appointment

An *89-day non civil-service appointment* may be granted when there is an immediate need to fulfill relatively short-term operational needs.

1. An *89-day non-civil service appointment* shall be for a period not exceeding 89 consecutive calendar days or less than twenty hours per week for 37 consecutive weeks.
2. An *89-day non-civil service appointment* shall be made without utilizing civil service recruitment and selection procedures, provided that:

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- i. If at any time it is found that the need for services will exceed three months, the appointing authority shall attempt to fill the position by a certified list of eligibles; and
 - ii. The appointing authority is not precluded from requesting a certified list of eligibles for an appointment of less than three months.
3. An *89-day non-civil service appointment* may be made without regard to the minimum qualification requirements of the position, except that the employee must meet the public employment requirements under § 78-1, HRS, and possess the necessary occupational license, certification, or registration as required by applicable statutes or regulations. Reasonable steps should be taken to ensure that applicants meet the suitability requirements of the class of work.
4. A break in service of at least one workday is required when consecutive *89-day non-civil service appointments* are made.
5. An appointing authority may make one *89-day non-civil service appointment* for the position or employee without HRD approval. However, HRD approval is required when a second *89-day non-civil service appointment* is being considered.
6. If the employee has not received an *89-day non-civil service appointment* to the same or different position in the department within the past three months, the employee may be granted another *89-day non-civil service appointment* in the department without HRD approval.
- C. An employee who is granted a *non-civil service appointment* is not eligible for membership in the civil service.
- D. Service that is acquired in a *non-civil service appointment* is not creditable toward meeting the requirements of an initial probation period.
- E. An appointing authority must certify that the employee will be performing duties that are characteristic of the class.

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VI. PROCEDURES FOR NON-CIVIL SERVICE APPOINTMENTS

- A. The appointing authority shall submit the *Requisition for Certificate of Eligibles*, HRD Form 305. When the appointing authority determines that the temporary period will extend beyond three months, an HRD 305 shall be submitted. HRD will determine if an appropriate eligible list is available for immediate certification or if recruitment must be conducted for the position.
- B. In the event eligibles are not available, HRD will grant:
1. A *non-civil service 89-day appointment* for positions with a temporary duration of three months or less; or
 2. A *non-civil service temporary appointment outside the list* for permanent positions pending the civil service recruitment process or temporary positions with a temporary duration of more than three months but not to exceed one year.
- C. When the appointing authority determines that a second *non-civil service 89-day appointment* is necessary for the position or employee, HRD's prior approval through HRD Form 397, *Request for 89-Day Non-Civil Service Appointment Approval (Attachment A)*, is required.
- D. HRD's prior approval through HRD Form 397a, *Request for Non-Civil Service Temporary Appointment Outside the List Approval (Attachment B)* and HRD Form 315/TAOL, *Application Form for Non-Civil Service Temporary Appointment Outside of List (TAOL) Positions (Attachment C)*, is required when a *non-civil service temporary appointment outside the list* is being considered. The HRD Form 305 will be kept active for the duration of the temporary appointment and in the event eligibles become available, HRD will certify a list and the appointing authority must consider the eligibles.
- E. If the appointing authority determines that continuing the services of an employee in a *non-civil service temporary appointment outside the list* is necessary, HRD's prior approval through HRD Form 397a, *Request for Non-Civil Service Temporary Appointment Outside the List Approval*, is required.
- F. An employee in a *non-civil service temporary appointment outside the list* may receive another *non-civil service TAOL* or an *89-Day appointment* provided that there is a one workday break in service.

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VII. AUTHORITIES AND REFERENCES

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

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

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

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

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

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

§ 14-3.05-1 to § 14-3.05-2, Hawai'i Administrative Rules, *Types of appointments*

§ 14-3.05-4, Hawai'i Administrative Rules, *Membership in the civil service*

VIII. ATTACHMENTS

Attachment A: Request for 89-Day Non-Civil Service Appointment Approval, HRD Form 397

Attachment B: Request for Non-Civil Service Temporary Appointment Outside the List Approval, HRD Form 397a

Attachment C: Non-Civil Service Temporary Appointment Outside the List Application, HRD Form 315/TAOL