

HAWAII ADMINISTRATIVE RULES

TITLE 14

DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT

SUBTITLE 1

STATE OF HAWAII HUMAN RESOURCES RULES

CHAPTER 3.05

TYPES OF APPOINTMENTS
MEMBERSHIP IN THE CIVIL SERVICE

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Historical Note: Chapter 14-3.05, is based substantially on Chapter 14-3.04, Hawaii Administrative Rules. [Eff. 6/11/92; R 4/1/02]

SUBCHAPTER 1

TYPES OF APPOINTMENTS

§14-3.05-1 Civil service appointment. (a) An employee is granted a civil service appointment when the appointment is the result of civil service recruitment procedures.

(b) A civil service appointment may be made to a temporary or permanent position in the civil service or permanent civil service position being filled on a temporary basis, notwithstanding that the position may be temporarily or permanently exempt from the civil service classification system.

(c) The appointing authority shall inform all applicants referred under civil service recruitment procedures if the appointment has a limitation date or if the position is temporarily or permanently exempted from the civil service classification system.

[Eff. 4/1/02; comp DEC 01 2003] (Auth: HRS §§ 26-5, 76-16, SLH 2000, Act 253) (Imp: HRS §§ 26-5, 76-13, 76-16, 76-27, SLH 2000, Act 253)

§14-3.05-2 Non-civil service appointment. (a) The appointing authority may make a non-civil service appointment of not more than eighty-nine consecutive calendar days or of less than twenty hours a week for thirty-seven consecutive weeks in order to meet immediate operational needs, provided:

- (1) The appointing authority certifies that the employee will perform duties characteristic of the class; and
- (2) The employee has not received a non-civil service appointment in the same class of work and department within the last three months, unless this restriction is waived by the director or the director's authorized designee.

(b) A non-civil service appointment made under subsection (a) may be extended for a specific period without a break in service under the following conditions:

- (1) The director or the director's authorized designee determines that the period of

extension makes it impracticable to fill the position by civil service recruitment procedures and allow for completion of an initial probation period; and

- (2) There are no interested and available eligibles on an appropriate eligible list to fill the vacancy or the appointing authority is unable to make a selection from an appropriate eligible list.

(c) When the director or the director's authorized designee determines that a position can be filled by civil service recruitment procedures, an employee serving a non-civil service appointment in the position may be extended without a break in service until the void date of the first certificate of eligibles for the position, unless this period is extended by the director or the director's authorized designee.

(d) When there is an anticipated need for temporary services beyond eighty-nine calendar days or less than twenty hours a week for thirty seven weeks, the appointing authority may make a non-civil service appointment for the specific period necessary to complete the work under the following conditions:

- (1) The director or the director's authorized designee determines that it is impracticable to fill the position by civil service recruitment procedures and allow for completion of an initial probation period;
- (2) There are no interested and available eligibles on an appropriate eligible list to fill the vacancy or the appointing authority is unable to make a selection from an appropriate eligible list;
- (3) The employee has not received a non-civil service appointment in the same class of work and department within the last three months, unless this restriction is waived by the director or the director's authorized designee; and

(4) The appointing authority certifies that the employee will perform duties characteristic of the class.

(e) A 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 section 78-1, HRS, and possess the necessary occupational license, certification, or registration required by statute or regulation.

(f) Service acquired in a non-civil service appointment shall not be credited towards meeting the requirements of an initial probation period.

[Eff. 4/1/02; comp DEC 01 2003] (Auth: HRS §§26-5, 76-17, SLH 2000, Act 253) (Imp: HRS §§ 26-5, 76-27, SLH 2000, Act 253)

SUBCHAPTER 2

INITIAL PROBATION PERIOD

§14-3.05-3 Initial probation period. (a) The initial probation period shall be utilized as part of the examination process to determine the employee's fitness and ability for employment in the position and the civil service.

(b) An employee who is granted a civil service appointment must serve an initial probation period when the period of employment exceeds the initial probation period for the position.

(c) An employee must meet the performance requirements of the position as measured by a formal performance appraisal in order to successfully complete the initial probation period.

(d) The initial probation period shall be for a period of six months provided the director or the director's authorized designee may establish a longer initial probation period for a class of work when a longer period is needed to adequately train and evaluate the employee.

(e) Upon written notification to the employee and before the expiration of the initial probation period, the appointing authority may extend the initial probation period for any of the following reasons:

- (1) Further evaluation of the employee's ability to successfully perform the duties of the position is required, provided the extension shall not exceed six months;
- (2) The employee's absence affect the appointing authority's ability to evaluate the employee's performance, provided the extension shall not exceed the period of absence or combined periods of absences; or
- (3) A final determination of the employee's suitability for employment has not been made, provided the extension shall not exceed six months.

(f) The period of temporary service in a civil service appointment may be credited towards fulfilling the initial probation period for the same or related position in the class of work and department and the employee shall serve only the remainder of the probation period, if any, provided:

- (1) The period of temporary service immediately preceded the new appointment to the same or related position; and
- (2) The appointing authority certifies that the employee was performing satisfactorily and the employee's duties are essentially similar to the duties to be performed during the initial probation period for the same or related position. [Eff. 4/1/02; comp
DEC 01 2003] (Auth: HRS §§ 26-5, 76-17, 76-27, SLH 2000, Act 253) (Imp: HRS §§ 26-5, 76-27, SLH 2000, Act 253)

SUBCHAPTER 3

MEMBERSHIP IN THE CIVIL SERVICE

§14-3.05-4 Membership in the civil service. (a)

An employee serving a civil service appointment acquires membership in the civil service upon successful completion of the initial probation period or as provided by statute.

(b) An employee shall remain a member of the civil service for the duration of the member's appointment provided the employee demonstrates appropriate conduct and continued productive performance as measured by formal performance appraisals.

(c) A member whose appointment has a limitation date is not entitled to layoff rights and will be released at the end of the employee's appointment or earlier for good reason. [Eff. 4/1/02; comp

DEC 01 2003] (Auth: HRS §§ 26-5, 76-17, 76-27, SLH 2000, Act 253) (Imp: HRS §§ 26-5, 76-27, SLH 2000, Act 253)