

A Bill for an Act Relating to Public Employment.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 76-1, Hawaii Revised Statutes, is amended to read as follows:

“§76-1 Purpose of this chapter; statement of policy. It is the purpose of this chapter to establish in the State and each of the counties a system of personnel administration based on merit principles and scientific methods governing the classification of positions and the employment, conduct, movement, and separation of public officers and employees. It is also the purpose of this chapter to build a career service in government which will attract, select, and retain the best of our citizens on merit, free from coercive political influences, with incentives in the form of genuine opportunities for promotions in the service, which will eliminate unnecessary and inefficient employees, and which will provide technically competent and loyal personnel to render impartial service to the public at all times, and to render such service according to the dictates of ethics and morality. In order to achieve these purposes it is the declared policy of the State that the personnel system hereby established be applied and administered in accordance with the following merit principles:

- (1) Equal opportunity for all regardless of race, sex, age, religion, color, ancestry, or politics. No person shall be discriminated against in any case because of any physical handicap, in examination, appointment, reinstatement, reemployment, promotion, transfer, demotion, or removal, with respect to any position the duties of which, in the opinion of the director of personnel services may be efficiently performed by a person with such a physical handicap; provided that the employment will not be hazardous to the appointee or endanger the health or safety of [his fellow employees] the appointee's co-workers or others.
- (2) Impartial selection of the ablest person for government service by means of competitive tests which are fair, objective, and practical.
- (3) Just opportunity for competent employees to be promoted within the service.
- (4) Reasonable job security for the competent employee, including the right of appeal from personnel actions.
- (5) Systematic classification of all positions through adequate job evaluation.
- (6) Proper balance in employer-employee relations between the people as the employer and employees as the individual citizens, to achieve a well trained, productive, and happy working force.”

SECTION 2. Section 76-18, Hawaii Revised Statutes, is amended to read as follows:

“§76-18 Examinations, general character. There shall be competitive examinations for testing of the relative fitness of applicants for positions in civil service. The examinations shall be practical in their character and shall provide for ascertaining the physical and educational qualifications, experience, knowledge, and skill of applicants and their relative capacity and fitness for the proper performance of the characteristic duties of the class of positions in which they seek to be employed; except that in the case of a promotional examination, the examination shall be limited, at the request of the department head, to the characteristic duties of the class and nothing else. All examinations shall be public and, except as otherwise provided by law, free and open to all citizens of the State but with such limitations as to health, physical condition, age, sex, education, training, experience, habits, and character as the director of personnel services may deem necessary and proper for the class for which the examination is to be given. Disabled veterans or physically handicapped persons shall not be disqualified for reason of such physical handicap or disability if they possess the physical capacities to perform the duties of the class. Examinations may be oral or written or partly oral and partly written, or tests of manual skill and physical strength, or evaluations of training and experience backgrounds. Except when clearly required by the nature of the service to be performed, written examinations shall not be required of applicants for unskilled labor classes. All examinations shall be under the control of the director or such suitable person or persons as [he] the director may designate to conduct them. All persons who have passed the examination shall be required to take such physical examinations as required by the director or, in case of the counties, by the civil service commission. The reports of the physical examinations shall be filed with the director.

The director may, for purposes of expediting the examination process, require the applicants to take the written examinations prior to the filing of their formal applications. Upon the successful completion of the written examinations, the applicants shall then file their formal applications.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 9, 1984.)