

ACT 94

S.B. NO. 999

A Bill for an Act Relating to Reemployment and Recall Lists.

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

SECTION 1. Section 76-25, Hawaii Revised Statutes, is amended to read as follows:

“§76-25 Reemployment and recall lists. (a) Whenever any employee who has been performing the employee’s duties in a satisfactory manner as shown by the records of the department of personnel services or the agency in which the employee has been employed, is demoted because of lack of work or lack of funds, has voluntarily accepted a position in a lower class, has resigned in good standing with the consent of the appointing authority, is retired for ordinary or accidental disability, is terminated because of non-work related injury and there is no other available work which the employee is capable of performing, or whenever the employee’s position has been reallocated to a lower class, the employee shall have the right to have the employee’s name placed on the appropriate reemployment list for a period of three years thereafter; provided that the employee files a written application for reemployment within three years after the employee’s separation, demotion, or reallocation; provided further that the period which an employee spends in a hospital, settlement, or place within the State undergoing treatment for Hansen’s disease or tuberculosis, shall be excluded in computing the three year period. A person on a reemployment list shall be deemed eligible for certification to positions in the class in which the person last held a permanent status prior to separation, demotion, or reallocation. A person may also be deemed eligible for certification to positions in a class, in the same or lower grade, which are related to the class in which the person last held a permanent appointment.

(b) Whenever a regular employee has been laid off because the employee’s position has been abolished due to lack of work or funds or because the employee was displaced by another employee because of reduction-in-force, the employee shall have the right to have the employee’s name placed on appropriate recall lists and be deemed eligible for certification to positions in the class in which the employee last held permanent status or in a related class in the same or lower grade for which the employee meets the qualification requirements.

(c) The director of personnel services may remove the name of a person on any reemployment or recall list or refuse to certify the person’s name on any list of eligibles, if the director finds, after giving the person notice and an opportunity to be heard, that the person is no longer able to perform the necessary duties satisfactorily.”

SECTION 2. New statutory material is underscored.

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SECTION 3. This Act shall take effect upon its approval.

(Approved May 30, 1987.)