

ACT 32

S.B. NO. 2742

A Bill for an Act Relating to Public Employment.

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

SECTION 1. The Legislature finds that present civil service laws do not provide public employers with recruitment flexibility needed to compete successfully in today's highly competitive labor market. This problem impacts particularly on the State because of the size of its public workforce and its many responsibilities relating to the health, safety, and welfare of its citizens which often require immediate action. The civil service reform conference, comprised of representatives from the department of personnel services, line departments, unions, other jurisdictions, and the legislature, has identified hiring flexibility as a critical need of the State even if it requires a change in public policy.

The purpose of this Act is to provide the director of personnel services with recruitment flexibility to enhance the State's ability to compete for persons with requisite skills and qualifications within a highly competitive labor market. The director will not be restricted by the mandates in section 76-23, Hawaii Revised Statutes, and is instead empowered to determine, establish, and maintain the manner in which state civil service positions shall be filled, until June 30, 1994. In providing this recruitment flexibility, the legislature believes that the inclusion of language regarding compliance with section 78-1 and merit princi-

ples, in addition to the continuing requirements of section 76-17 relating to administrative rules and procedures, will provide adequate safeguards for ensuring appropriate personnel practices.

The legislature further finds that this civil service reform measure should be confined initially to the State, where the need is most critical. After review of the State's experience, each local jurisdiction will be in a better position to assess whether reform is efficient and efficacious and should be adopted, or whether it is more appropriate to continue operating under the mandates of section 76-23. The same choice will be afforded by the State under the June 30, 1994 drop dead provision.

SECTION 2. Chapter 76, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"§76- Recruitment flexibility.** Notwithstanding section 76-23, the director of personnel services shall determine, establish, and maintain the manner in which positions shall be filled in accordance with section 78-1 and the following standards:

- (1) Equal opportunity for all regardless of race, sex, age, religion, color, ancestry, physical handicap, or politics;
- (2) First consideration for competent employees already within public service; and
- (3) Impartial selection of the ablest person through competitive means which are fair, objective, and practical."

SECTION 3. Section 76-78, Hawaii Revised Statutes, is amended to read as follows:

**"§76-78 Provisions of part II applicable.** Except as otherwise specifically provided in this part, all of the provisions of part II shall apply to each of the counties of Hawaii, Maui, and Kauai and shall be deemed a part of this part, for which purpose wherever reference is made in part II to the State or governor or the legislature, it means each of the counties, the mayor of each county, and the council of each county, respectively, and references therein to the state director of personnel services and the civil service commission mean the director and the commission provided for in section 76-71; provided that the reference to the director in sections 76-12, 76-17, 76-42, and 76-43 means the commission provided for in section 76-71; and provided further that [section] sections 76-16 and 76- shall not be deemed a part of this part."

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>1</sup>

SECTION 5. This Act shall take effect upon its approval and shall be repealed on June 30, 1994; provided that section 76-78 is reenacted in the form in which it read on the day before the approval of this Act.

(Approved April 22, 1992.)

**Note**

1. Edited pursuant to HRS §23G-16.5.