

**RICHARD T. BISSEN JR.**  
Mayor

**CYNTHIA M. RAZO-PORTER**  
Director

**KAINEA K.G. AIWOHI-ALO**  
Deputy Director



**DEPARTMENT OF PERSONNEL SERVICES**  
**COUNTY OF MAUI**  
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December 30, 2024

Honorable Richard T. Bissen, Jr.  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

**APPROVED FOR TRANSMITTAL**

A handwritten signature in black ink, appearing to read "Richard T. Bissen, Jr.", written over a green horizontal line. To the right of the signature, the date "1-3-25" is written in black ink. Below the signature line, the word "Mayor" is printed in green on the left and "Date" is printed in green on the right.

For Transmittal to:  
Honorable Yuki Lei Sugimura  
Chair, Budget, Finance and Economic Development Committee  
200 South High Street  
Wailuku, Hawaii 96793

Dear Chair Sugimura:

**SUBJECT: EMPLOYEE RETENTION AND RECRUITMENT CONTRACT**  
**(BFED- 21(34))**

We are in receipt of your communication (BFED-21(34)), which requests answers to several questions. Please find our responses below.

*Question 1. Provide the total number of County vacancies, by agency.*

See the table below for a breakdown of vacancies by department. The last column identifies the number of open requisitions by department.

10906

Vacancies by Dept as of 12/17/24		
<b>Dept</b>	<b>No. of Vacancies</b>	<b>No. of Requisitions Open/Active Recruitments</b>
Ag	1	1
Corporation Counsel	10	6
County Auditor	2	0
County Clerk	4	0
County Council	28	0
DEM	37	27
Finance	29	17
Fire	52	46
Housing	9	1
Human Concerns	35	27
Liquor Control	4	1
Management	26	21
MEMA	5	5
Mayor's	20	0
Oiwi	1	1
Parks & Rec	75	59
Personnel Svcs	1	0
Planning	23	16
Police	154	38
Prosecuting Atty	17	2
Public Works	58	41
Transportation	2	1
Water Supply	27	11
<b>TOTAL</b>	<b>620</b>	<b>321</b>

*Question 2. Provide the Standard Operating Procedures for managing and hiring personnel for all County agencies. If there are none, please explain why.*

Civil Service Procedures – Filling a Civil Service Position, Policy No. 200.100 is provided for your review.

*Question 3. Your Department requested \$150,000 for Professional Services (Index Code 908012B) for the Retention/Recruitment Campaign in the Fiscal Year 2025 Budget. Because Contract C7992 with Brandcrafters LLC for the campaign ended, how does your Department intend to use the \$150,000?*

Although the Retention/Recruitment Campaign contract (C7992) with Brandcrafters LLC ended, we plan to repurpose the \$150,000 allocated for Professional Services (Index Code 908012B) to support the ongoing growth and engagement of our County employees. Specifically, these funds will be used to enhance learning and development opportunities, including the creation of a professional development conference. This conference will be designed to offer targeted training and development activities that promote employee engagement, inspiration, and renewal.

By shifting the focus to employee development, we aim to foster a culture of continuous learning, increase employee retention, and support the broader goal of strengthening our workforce.

*Question 4. Explain how the Retention/Recruitment campaign assisted your Department with employee recruitment and retention. If the campaign was beneficial, explain why the Department did not extend Contract C7992 with the appropriated \$150,000 when the Office of the Mayor and the Department of Management declined to extend it.*

The Retention/Recruitment campaign significantly assisted our Department by enhancing our recruitment efforts and elevating our visibility. The campaign helped develop cohesive messaging, promotional materials, and a consistent visual identity for County career opportunities. It also highlighted various departments' work through engaging videos and employee testimonials, which showcased the positive aspects of working for the County. These efforts provided valuable recruitment materials that have been instrumental in attracting a larger pool of qualified candidates and strengthening our brand as an employer of choice.

While the campaign was beneficial, the decision not to extend Contract C7992 was influenced by broader strategic priorities. As noted above, the Department has explored alternative ways to support recruitment and retention, including shifting focus to internal development activities, which are aligned with our ongoing goals.

*Question 5. You shared that applications received for County positions has increased by seven percent. Explain whether the increase was caused by the work conducted under Contract C7992 or by residents seeking employment after the August 2023 Maui Wildfires.*

It is difficult to definitively isolate the exact cause of the 7% increase in applications for County positions, as it is likely a combination of factors. The work conducted under

Contract C7992, particularly in terms of improving our recruitment messaging, promotional materials, and visibility, likely played a role in attracting more applicants. However, it's also important to consider the impact of the August 2023 Maui Wildfires. The aftermath of the disaster may have led to increased interest in County employment as residents sought stable work opportunities in the recovery and rebuilding process.

Given these factors, we believe the increase in applications can be attributed to both the enhanced recruitment efforts from the campaign and the broader context of the community's response to the crisis.

*Question 6. You said that delays in hiring personnel are caused by other County agencies. However, the agencies have previously noted that hiring delays are caused by your Department.*

*For example, the Department of Finance was unable to quickly establish its Transient Accommodations Tax Office because of delays with creating the needed positions through your Department.*

Although no question was asked regarding the establishment of the Transient Accommodations Tax Office, we provide additional context. The major delay in the establishment of the office was due to inaccurate position descriptions provided to our Department. After several discussions with the Finance Director and Deputy at that time, the position descriptions were revised, and the positions were created.

*a. Provide specific examples on the hiring delays caused by other County agencies.*

There are various factors contributing to delays in filling vacancies. These challenges include:

- **Departmental readiness:** At times, departments are not fully prepared to move forward with filling positions due to internal priorities or other logistical issues.
- **Scheduling difficulties:** Coordinating interview schedules with candidates and hiring teams can be challenging, leading to delays in the interview process.
- **Candidate no-shows:** We have experienced instances where candidates "ghost" or fail to attend scheduled interviews without prior notice.
- **Lack of qualified candidates:** There are situations where jobs go unfilled due to a lack of qualified candidates.
- **Lack of responsiveness:** Some candidates do not respond to requests for interviews or may decline to participate altogether.
- **Offer rejections:** In certain cases, candidates may decline a job offer after it has been extended.
- **Failure to act on referred lists:** There are occasions when departments do not promptly act on eligible candidate lists, further delaying the hiring process.

These factors collectively contribute to the delays in recruitment efforts. We continue to work on improving the efficiency and effectiveness of the recruitment processes to address these challenges.

- b. Explain the process for creating and filling a position, including the length of time your Department requires to create and approve the position and position description and authorize the agency to begin hiring. Please also include with your response strategies and procedures your Department is implementing to reduce delays in the creation and filling of positions.*

We attempt to work closely with departments understanding and anticipating departmental needs, when creating new classifications for the requested positions. Clearly written and proposed position descriptions drive the classification process and are essential to an efficient class creation. When questions arise, the process may stall or fail if a department fails to respond or provide meaningful feedback.

The process for creating and filling a position within our Department involves several key steps.

**1. Position Creation and Classification:**

Clear, detailed position descriptions are critical to driving the classification process efficiently. A well-written position description ensures that the role is accurately classified, which helps to avoid delays, both in creating a new class and recruiting to fill the vacancy.

**2. Approval and Authorization:**

Once a position description is finalized, it undergoes internal review and approval. The length of time for this step can vary depending on the complexity of the classification and the number of stakeholders involved. The Intent to Adopt a new class is submitted to the Equal Pay group for review and comments from the various jurisdictions. Once approved, the position is created and submitted to the agency for authorization to initiate recruitment.

**3. Hiring Process:**

After position creation and authorization, the hiring process can begin, which involves advertising the vacant position; screening applications for minimum qualifications; evaluation; scheduling and interviewing; and making an offer.

## **Strategies and Procedures to Reduce Delays:**

- **Checklist for Position Creation:**

We are developing a detailed checklist to assist departments in providing the necessary information needed to create new positions. This ensures that all required details are provided upfront, helping to avoid back-and-forth communication and delays.

- **Using Existing Classifications:**

When practical, we urge departments to create positions using existing job classes, then redescribe the role once it is filled. This allows us to expedite the position creation process while ensuring the role is filled in a timely manner.

- **Improved Communication and Collaboration:**  
To prevent delays due to lack of response or feedback, we continue to foster strong communication between departments and our HR team. This includes setting clear expectations for timelines and encouraging proactive engagement throughout the process.
- **Monitoring and Accountability:**  
We are implementing systems to better track the status of position creation requests and approvals. This ensures that any delays are quickly identified and addressed.

By continuing to refine these processes, we aim to reduce the overall time it takes to create and fill positions, while maintaining the accuracy and appropriateness of the classifications. In FY 2024, our Department completed 368 classification audits with a median time of 14 working days.

Thank you for the opportunity to assist the Budget, Finance, and Economic Development Committee. Please let us know if you need additional details or clarification.

Sincerely,



FOR CYNTHIA M. RAZO-PORTER  
Director of Personnel Services

CMR/KAA

Attachment

**SUBJECT: CIVIL SERVICE PROCEDURES - FILLING A CIVIL SERVICE POSITION**

**REFERENCES:** Hawaii Revised Statutes Sections 76-1, 76-13, 76-15, 76-17, 76-18, 76-22.5, 76-23.5, 76-27, 76-29, 76-71, 76-103, 78-1, 92F-19, 92F-22, 386-142, Rules of the Director of Personnel Services Chapters 203, 205, United States Code 5 § 2108.

**EFFECTIVE DATE:** August 1, 2021

**I. PURPOSE**

To establish uniform procedures to recruit and select public officers and employees to fill civil service positions in accordance with the statutes and the Rules of the Director of Personnel Services.

**II. DEFINITIONS**

Unless otherwise indicated by the context, words used in these procedures shall have the same meanings as contained in Chapter 203 of the Rules of the Director of Personnel Services.

“CS-WLD” Civil service appointment with a limitation date

“CS-NLD” Civil service appointment with no limitation date

“X-WLD” Exempt appointment with a limitation date

**III. RECRUITMENT**

A. Announcement of Recruitment and Examinations - As the needs of the County require, the director shall plan and carry out recruiting programs with the following minimum provisions:

1. Whenever there is need for eligibles, the director shall publish and disseminate announcements of recruitment and examination on a open-competitive, inter-departmental, intra-departmental or registration basis and post the announcements in the office of the Department of Personnel Services;

2. Open-competitive and registration recruitments shall be advertised in a newspaper of general circulation throughout the County of Maui; and if deemed appropriate by the director in a newspaper of general circulation in other jurisdictions within the State.
  3. The head of each department shall take reasonable measures to bring inter-departmental and intra-departmental competitive promotional announcements to the attention of employees in the department.
- B. Content of Recruitment and Examination Announcements - Announcements shall contain at a minimum the following information:
1. Title and pay range of the class;
  2. How to apply for admission to the examination;
  3. Closing date and place for filing applications;
  4. Minimum qualification requirements for admission to the examination; and
  5. Other information deemed necessary or desirable by the director.
- C. Period of Recruitment
1. Recruitment announced on a competitive or registration basis shall be for a reasonable period based on the needs of the service, but for not less than ten calendar days.
  2. With proper notice, the director may extend the period for receipt of applications.
  3. The director may announce a competitive examination or a registration recruitment on a continuous basis. Such continuous recruitment may be closed as deemed appropriate by the director with proper notice.
- D. Unskilled Labor Lists
1. There may be separate lists for different unskilled classes of work. The period for filing applications and other procedures pertaining to such lists shall be determined by the director.

2. The director may require applicants to pass appropriate tests related to the work performed as deemed appropriate.

E. Acceptance of Applications

1. Applications for examination and employment shall be made on such form and in such manner and with such supplemental information as prescribed by the director. Resumes will not be accepted in lieu of such prescribed form.
2. Applications shall be accepted only during the period specified in the recruitment announcement. Applications submitted by mail must bear a United States Postal Service postmark dated no later than the closing date of the recruitment. Online applications are accepted prior to midnight of the closing date of the recruitment (Hawaii Standard Time).
3. Faxed or emailed applications will not be accepted.
4. Late applications for competitive and registration recruitments may be accepted for good reason as determined by the director.
5. All reasonable precautions shall be taken to protect the confidentiality of information about applicants.

F. Cancellation of Recruitment and Examination Announcements

Recruitment and examination announcements may be canceled by the director at any time. In such event, all applicants shall be notified of the cancellation.

G. Recruitment and/or Retention Incentives

1. Within limits established by the director, appointing authorities may provide a monetary or other incentive to enhance the recruitment and/or retention of persons employed or appointed to fill critical-to-fill and labor shortage positions.
2. Departments are allowed to submit guidelines to DPS for approval if the appointing authority desires to have delegated authority to authorize recruitment and/or retention incentives.

3. Recruitment and/or retention incentives are subject to review by the director.
4. The director may, for good reason, terminate or modify any such incentive at any time.

IV. EXAMINATION

A. Disqualification of Applicants

The director may for good cause reject any application, disqualify an applicant for any period of time or remove an applicant from a List of Eligibles. Reasons for disqualification may include, but are not limited to, any of the following:

1. Failure to meet the minimum qualification requirements or other public employment requirements by the closing date of the recruitment or the date of submission of application for continuous recruitments, except as provided otherwise in the examination announcement;
2. Submission of a late, defective, or incomplete application;
3. Refusal or failure to furnish documents required to verify any statements made in the application;
4. Deception, fraud or false statements in the application, examination or appointment process;
5. Unauthorized or improper assistance in an examination or failure to follow examination monitor's instructions;
6. Failure to meet medical requirements to perform the essential job functions of the class or position;
7. Current illegal use of drugs;
8. Conviction of any controlled substance-related offense during the three year period immediately preceding the date of the application for employment;
9. Conviction of a criminal offense which affects the applicant's suitability to properly perform the duties and responsibilities of the class or position;

10. A record of misconduct which is detrimental to the proper performance of the duties and responsibilities of the class or position;
11. Conviction of any act, attempt, or conspiracy to overthrow the county, state, or the federal government by force or violence.

**B. Conduct of Examinations**

1. Examinations shall be held at the date, time and place determined by the director.
2. If a written and/or performance examination is to be administered, qualified applicants shall be notified of the date, time and place of the examination. The director shall not be responsible if a notice is lost, delayed, or misdirected through no fault of the director.
3. All applicants may be required to provide medical clearance from a licensed physician and to sign a waiver of liability when taking part in examinations involving physical agility or performance.

**C. Kinds of Examinations**

1. Promotional examinations. Examinations may be promotional whenever in the opinion of the director they are practicable and in the best interest of the County.
  - a. Intra-departmental examination. Competitive examination administered by the Department of Personnel Services for a particular class, admission to which is limited to qualified regular civil service employees of a particular county department.
  - b. Inter-departmental examination. Competitive examination administered by the Department of Personnel Services for a particular class, admission to which is limited to qualified regular civil service employees in the county service.
2. Open-competitive examination. Competitive examination administered by the Department of Personnel Services for a particular class, admission to which is open to any qualified applicant.

- a. Examinations shall be open-competitive whenever in the opinion of the director such is in the best interest of the county.
  - b. In making such determination, the director shall consider the sufficiency of competition within the civil service as well as the requirements of the class for which such examinations are being conducted.
3. Non-competitive examination. An appointing authority may make promotions by internal departmental examination. Except as otherwise provided by the applicable collective bargaining agreements, the following conditions shall apply:
- a. The employee to be promoted is a regular civil service employee in the department and the movement is from a position in which the employee last held permanent appointment, or in the event the employee does not have a permanent appointment, the position in which the employee last successfully completed a probationary period.
  - b. The employee meets the minimum qualification requirements for the class of work and vacant position.
  - c. Vacancy notices are posted on appropriate bulletin boards throughout the department for ten (10) calendar days prior to the closing date for receipt of applications.
  - d. The promotion is based on merit principles and the selection process shall be appropriately documented. In addition, the promotion process may be subject to audit by the Department of Personnel Services.
  - e. The Department of Personnel Services and/or the appointing authority may conduct an appropriate examination to determine whether the employee is qualified.
  - f. The employee has not received a non-competitive promotion during the preceding twelve-month period other than a temporary non-competitive promotion.



- b. The written request for priority placement must be made by the employee within six months of being medically cleared to participate in the vocational rehabilitation program. Employees who fail to request priority placement within six months of being cleared for vocational rehabilitation, or who decline to accept such priority placement shall be considered to have waived their right to priority placement.
  - c. Work-injured employees shall be placed on the priority placement list for all classes of work for which they meet the minimum qualification requirements and are capable of performing the duties, and which are equal to or below the salary range of the position the employee held at the time the injury was sustained.
  - d. When there is more than one qualified eligible on the priority placement list, all qualified eligibles shall be certified.
  - e. Where the priority placement list is available, that list will be referred to the appointing authority first. Other types of lists shall not be combined with the priority placement list.
  - f. In the case of employees who were employed temporarily, certification shall be to temporary employment which is equivalent as far as practicable to the temporary period for which the eligible was originally appointed, but shall not extend past the scheduled termination date of their original temporary appointment.
2. Recall list.
- a. A regular civil service employee who is laid off due to abolishment of the position or lack of funds or work shall be placed on the recall list.
  - b. The eligible shall be certified for positions in the class the eligible last held permanent status or in a related class in the same or lower pay range for which the eligible meets the minimum qualification requirements.
  - c. The eligible on the recall list shall be certified on the basis of the eligible's availability for the geographic location and duration of employment.

- d. In the event eligibles or additional eligibles are certified from the recall list and the number of eligibles is sufficient to provide the appointing authority with full certification, certification shall be limited to the recall or both the recall and higher priority lists.
  - e. Recall to positions in the bargaining unit shall be in accordance with the applicable collective bargaining agreement.
3. Re-employment list.
- a. An employee who has been performing his/her duties in a satisfactory manner may be placed on the re-employment list upon the employee's request, if any of the following conditions are met:
    - (1) a regular civil service employee whose position is reallocated downward or who is demoted due to abolishment of position, lack of funds or work, or for other reasons outside of the employee's control;
    - (2) a regular civil service employee is terminated due to a non-work related injury and there is no other available work which the employee is capable of performing;
    - (3) a regular civil service employee who resigned in good standing;
    - (4) a regular civil service employee who retired due to years of service or disability;
    - (5) a regular civil service employee who accepted a voluntary demotion;
    - (6) or a former employee placed on the list by the Civil Service Commission or an arbitration decision upon appeal of a dismissal.
  - b. The person must file a written request for re-employment within three years after the employee's separation, demotion, or reallocation.
  - c. An eligible shall be certified for appointment to a position in the class in which the eligible last held permanent appointment, or in the event the employee does not have a permanent appointment, the position in which the employee last successfully completed a probationary period, or in a related class in the same or lower pay range, for which the eligible meets the minimum qualification requirements.

- d. An eligible shall be certified on the basis of the eligible's availability for the geographic location and duration of employment.
4. Intra-departmental promotional list.
    - a. An eligible on the intra-departmental promotional list shall be certified on the basis of the eligible's examination rating, job availability preferences, and other requirements as may be applicable to specific positions within the particular county department.
    - b. If there are any regular employees of a department on an inter-departmental promotional list, these eligibles may be certified to the appointing authority on an intra-departmental certification.
  5. Inter-departmental promotional list. An eligible on the inter-departmental promotional list shall be certified on the basis of the eligible's examination rating, job availability preferences, and other requirements as may be applicable to specific positions within the county.
  6. Open-competitive list. An eligible on an open-competitive list shall be certified on the basis of the eligible's examination rating, job availability preferences, and other requirements as may be applicable to specific positions within the county.
  7. Unskilled labor list. The director may establish a list for unskilled labor classes and eligibles shall be certified in accordance with the director's Guidelines for Filling of Unskilled Labor Classes.
- B. Duration of Eligibility. The duration of eligibility shall be as follows, unless suspended or terminated by the director:
1. Priority placement list. Persons on a priority placement list shall be eligible for employment consideration until placed or until the person's right to such placement is waived. In the case of temporary employees, such eligibility shall not extend past the scheduled termination date of their original temporary appointment.

2. Recall list. Persons on the recall list shall remain on the list until placed. In the case of temporary employees, such eligibility shall not extend past the scheduled termination date of their original temporary appointment.
  3. Re-employment list. Persons on the re-employment list shall remain on the list for three (3) years from the date the employee became eligible to be placed on the re-employment list.
  4. Intra-departmental promotional list. An eligible on an intra-departmental promotional eligible list shall remain on the list for one (1) year from the date the list is established. The eligibility period may be extended at the discretion of the director.
  5. Inter-departmental promotional list. An eligible on an inter-departmental promotional eligible list shall remain on the list for one (1) year from the date the list is established. The eligibility period may be extended at the discretion of the director.
  6. Open-competitive list. An eligible on an open-competitive eligible list shall remain on the list for one (1) year from the date the list is established or, in the case of continuous recruitment, from the date the eligible is placed on the list. The eligibility period may be extended at the discretion of the director.
  7. Unskilled labor list. An eligible on an unskilled labor list for a designated class of work shall remain on the list for one (1) year from the date the list is established. The eligibility period may be extended at the discretion of the director.
- C. Certification of Eligibles. Upon receipt of a request for a list of eligibles, the director shall certify names from the available eligible lists in accordance with this section.
1. Eligibles on the re-employment list will be certified after the priority placement and recall lists and upon request by the appointing authority.
  2. A certification of eligibles shall consist of five eligibles for a vacancy.
  3. If certification includes eligibles from an open competitive list, an appointing authority may request a certification of ten eligibles for a single vacancy.

4. When the last eligible to be certified is one of two or more eligibles who have identical examination scores, those two or more eligibles shall be certified.
5. Certification shall be based on the eligible's examination rating, job availability preferences, and other requirements as may be applicable to specific positions within the county.
6. For open-competitive lists, certification of eligibles for each vacancy in a department shall be in the order that they appear on the eligible list, provided that, veterans whose examination scores, after addition of applicable preference, are equal to or exceed the examination score of the last eligible certified shall also be certified.
7. When there is more than one vacancy in a class to be filled on an open-competitive basis, the director shall certify one (1) additional eligible for each additional vacancy thereafter.
8. Within sixty days from the date of the certification of eligibles, the appointing authority will contact, by phone or mail, all eligibles certified to ascertain interest in the vacant position. The appointing authority will also make every effort within said sixty days to fairly and consistently evaluate all eligibles according to the established departmental selection procedures and notify all eligibles in writing by first-class mail as to whether they were selected or not.
9. A certification of five eligibles shall be deemed adequate for selection purposes. If there are less than five (5) names on the eligible list, and all eligibles have been contacted and evaluated by the appointing authority, the appointing authority may request a new recruitment.
10. The director may also authorize certification under the following conditions:
  - a. An eligible, whose name is restored to a list after termination of an initial probation period, may be excluded from certification to the department from which the person was terminated;
  - b. If there are less than five (5) available eligibles on the list, the director may certify names from other related eligible lists for the same or related class, in order of rank.

11. If one or more certified eligibles declines or fails to respond to an inquiry of employment, the appointing authority may be entitled to additional eligibles which would provide for a full certification.

D. Order of Eligible Lists for Certification. The order of eligible lists to be used for certification shall be as follows:

1. Priority placement list
2. Recall list
3. Re-employment list - submitted to the appointing authority upon request.
4. Intra-departmental promotional list
5. Inter-departmental promotional list
6. Open competitive list or registration list

E. Selective Certification.

1. When a specific position requires distinctive or unique qualifications in addition to the minimum qualification requirements of the class of work, the appointing authority shall submit a request to the director with the appropriate justification.
2. Upon approval of the request, the director shall certify selectively from the list those eligibles who possess the distinctive knowledge, skills, and abilities for the particular position.
3. The certification may be in the order of the eligible's current ranking or of a new ranking as determined by the director.

F. Duration of Certifications.

1. A certificate of eligibles shall be effective for sixty (60) days after the date of certification. The certification may be extended upon request, prior to expiration.
2. If no selection can be made by the appointing authority during this period, the appointing authority shall return the certificate of eligibles with the

report of actions taken and submit a request for a new certificate of eligibles, to be issued by the director.

- G. Suspension and Termination of Eligibility; Restoration of Eligibility,
1. The director may suspend an eligible from employment consideration for cause, including, but not limited to, the following:
    - a. Refusal of a job interview or job offer on two (2) occasions for employment under conditions that the eligible had previously indicated availability for;
    - b. Failure to reply to an appointing authority's written inquiry regarding a job interview;
    - c. Failure to report for or complete a pre-entry medical examination and good cause is not shown;
    - d. Failure to report to work after appointment;
    - e. Failure to meet the health and physical standards of the position;
    - f. Eligible is no longer available for appointment;
    - g. Further investigation of the eligible's suitability needs to be conducted;
    - h. Eligible is appointed to a temporary position from an eligible list, provided the suspension shall apply to immediate temporary vacancies of the same duration only.
  2. The director may terminate the eligibility for an eligible for good reason, including, but not limited to, the following:
    - a. The person is found to be ineligible for appointment;
    - b. The person is found to be unsuitable for employment;
    - c. Withdrawal of the eligible from consideration;

- d. Employment in a permanent county civil service position following certification from a directly appropriate eligible list for the position;
  - e. Eligible refuses an additional interview or offer of employment under conditions that the eligible had previously indicated availability for after being restored to the list on two previous occasions.
3. In addition to the foregoing, an eligible shall be suspended, restored, and/or removed from the select priority list.
- a. The director may suspend an eligible from the select priority list for any of the following reasons:
    - (1) Eligible is currently unable to meet physical and medical requirements to qualify for any kind of employment in the normal labor market;
    - (2) Investigation of the eligible's suitability is pending;
    - (3) Eligible is unavailable for employment; or
    - (4) There is other good cause as determined by the director.
  - b. The following eligibles may, upon submission of a written request, have their names restored to the select priority list under the following circumstances:
    - (1) An eligible who was suspended from certification because of unavailability and who is currently available for employment;
    - (2) An eligible who has been suspended because of inability to meet physical and medical requirements to qualify for any kind of employment in the normal labor market and who is currently able to return to gainful employment;
    - (3) An eligible who had been suspended pending investigation of the eligible's suitability and who is currently considered suitable for employment; or
    - (4) A probationary employee who was terminated without delinquency or misconduct.

- c. The name of an eligible shall be removed from the select priority list under the following circumstances:
  - (1) The person is found to be ineligible for appointment;
  - (2) The eligible indicates a lack of interest in employment;
  - (3) The eligible is placed in a position;
  - (4) The eligible fails to report to duty after appointment;
  - (5) The eligible refuses a suitable position;
  - (6) The eligible fails to respond to inquiry to update or provide information needed to make suitable placement within ten days without good cause;
  - (7) Employee who was suspended because of the work injury is reinstated; or
  - (8) The period of eligibility has expired.
  
- 4. The director may restore an eligible for employment consideration upon written request of the eligible. The director may do so under the following circumstances:
  - a. A probationary employee who terminated employment without delinquency or misconduct;
  - b. An eligible who is currently available for employment; or
  - c. An eligible had been suspended because of correctable health and physical reasons and currently meets health and physical standards for the class of work.

H. Cancellation of Eligible Lists.

- 1. The director may cancel an eligible list for good reason to include, but not limited to, the following:
  - a. Changes in the minimum qualification or classification standards of a class of positions; or
  - b. Abolishment of the class for which the list of eligibles was established.
  
- 2. The director shall notify all affected eligibles of the cancellation.

VI. MOVEMENTS WITHOUT AN ELIGIBLE LIST

A. Transfers.

1. Intra-departmental, inter-departmental, and inter-jurisdictional transfers may be made when the following conditions are met:
  - a. The employee meets the minimum qualification requirements for the position to which the employee seeks movement;
  - b. Qualified employees on the priority placement list have been given proper consideration;
  - c. The employee is a member of the civil service; and
  - d. The transfer shall require the prior approval of the director and the appointing authorities concerned.
  - e. Notwithstanding the forgoing, the director may allow for the intra-departmental transfer of an employee serving an initial probationary period.
2. Additional conditions which need to be met for inter-jurisdictional transfers are:
  - a. The employee must be a member of the civil service of the losing jurisdiction.
  - b. An appropriate promotional eligible list does not exist for the vacancy.
3. The director may require an employee seeking transfer to qualify by examination if the position to which the employee seeks transfer requires skills, knowledge and abilities not required in the employee's current position.

B. Voluntary Demotions.

1. Intra-departmental, inter-departmental and inter-jurisdictional demotions may be made when the following conditions are met:

- a. The employee meets the minimum qualification requirements of the position to which the employee seeks movement;
  - b. Qualified employees on the priority placement list have been given proper consideration;
  - c. The employee to be demoted is a member of the civil service, and
  - d. The demotion shall require the prior approval of the director and the appointing authorities concerned.
2. Additional conditions which need to be met for inter-jurisdictional demotions are:
    - a. The employee must be a member of the civil service of the losing jurisdiction.
    - b. An appropriate promotional eligible list does not exist for the vacancy.
  3. The director may require an employee seeking a voluntary demotion to qualify by examination if the position to which the employee seeks voluntary demotion requires skills, knowledge, and abilities not required in the employee's current position.

## VII. TYPES OF APPOINTMENTS

- A. **Permanent Appointment.** A permanent appointment may be granted an employee as provided by the Rules of the Director of Personnel Services.
- B. **Probationary Appointment.**
  1. All vacancies in the civil service shall be filled by probationary appointment, except as provided by these procedures.
  2. **Initial probationary period.** The initial probationary 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.
    - a. An employee must meet the performance requirements of the position as measured by a formal performance appraisal in order to successfully complete the initial probationary period.

- b. The initial probationary period shall be for a period of six months provided the director may establish a longer initial probationary period for certain classes of work when a longer period is needed to adequately train and evaluate the employee.
  
- c. The appointing authority may extend the initial probationary period upon written notification to the employee and the director prior to the expiration of the probationary period. Failure to inform the employee in writing prior to the expiration date shall result in the employee being granted permanent appointment by default. The appointing authority may extend the initial probationary period for any of the following reasons:
  - (1) The employee's absence affects 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;
  - (2) Other reasons as deemed appropriate by the appointing authority, provided the extension shall not exceed twice the length of the original probationary period.
  
- d. The period of temporary service in a civil service appointment may be credited towards fulfilling the initial probationary period for the same position or another position in the same class of work and department. If credited, the employee shall serve only the remainder of the probationary period, if any, provided all of the following conditions are met:
  - (1) The appointment was made initially through civil service recruitment procedures;
  - (2) The period of temporary service immediately preceded the new appointment to the same or related position;
  - (3) The appointing authority certifies that the employee was performing satisfactorily;
  - (4) The employee's duties are essentially similar to the duties that would be performed during the initial probationary period.

3. Appointment with a limitation date.
  - a. With the approval of the director, an appointment with a limitation date may be made by an appointing authority to fill a temporary position or a permanent position temporarily vacant for a specific period of time. An appointment with a limitation date to a civil service position shall be made through civil service recruitment procedures.
  - b. In the event the director has granted a temporary exemption from civil service recruitment procedures pursuant to Section 11-205-26 of the Rules of the Director of Personnel Services, an appointment with a limitation date may be made with a person deemed qualified by the appointing authority provided that the duration of the appointment shall not exceed the period of exemption.
  - c. The name of the person selected for a temporary appointment made from an eligible list shall not be removed from the eligible list because of such appointment.
4. Persons ineligible for appointment. The director may deem a person ineligible for an appointment in the civil service for a specified period of time as determined appropriate by the director for reasons including, but not limited to, the following:
  - a. Deception, fraud, or providing false or misleading statements of material facts in the application or examination process.
  - b. Unauthorized or improper assistance in an examination.
  - c. A determination of unsuitability for employment.
  - d. Termination or suspension from an eligible list.

#### VIII. MEMBERSHIP IN THE CIVIL SERVICE

- A. An individual appointed to a civil service position via civil service recruitment procedures acquires membership in the civil service upon successful completion of an initial probationary period and as provided by HRS Section 76-27.

- 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 and continues to meet all requirements as specified in HRS Section 78-1.
- C. A member whose appointment has a limitation date is entitled to all the privileges of a civil service employee but shall not have layoff rights and will be released or returned to the position the employee last held permanent appointment at the end of the employee's appointment or earlier for good reason.

**SUBJECT: COUNTY OF MAUI GUIDELINES FOR THE FILLING OF  
UNSKILLED LABOR CLASSES**

**EFFECTIVE DATE:** August 1, 2021

**I. PURPOSE**

To establish a uniform procedure for the filling of various unskilled labor classes.

**II. SCOPE**

These procedures shall apply to all classes identified as part of the Department of Personnel Services' list of Unskilled Labor classes.

**III. DEFINITIONS**

"Certification of Eligibles" means the official document through which eligibles are referred for employment consideration.

"Civil service" includes all positions in the County service not exempted by HRS Section 76-77 or any other law and must be filled through civil service recruitment procedures based on merit.

"County" means the County of Maui.

"Director" means the director of personnel services of the County or the director's designated representative.

"Eligible" means a person whose name is on an eligible list.

"Eligible List" means a list, also referred to as a register, of persons who have qualified for appointment to positions in a particular class.

"Hiring department" means department requesting a certified list of eligibles.

"Unskilled labor classes" means classes of positions for which the major emphasis in terms of minimum qualification requirements is that of good physical health and strength, willingness to perform manual tasks and ability to follow instructions.

IV. PROCEDURES

A. DETERMINING WHEN TO RECRUIT

1. To the extent possible, the Department of Personnel Services (DPS) shall conduct a recruitment in anticipation of the expiration of the existing Eligible List.
2. The length of the recruitment period shall be determined by the Director.
3. Once established, the Eligible List shall be good for one year or until the list is cancelled or terminated by the Director. The Eligible List may be extended at the discretion of the Director.
4. The Director may determine whether an examination is proper or necessary and may require applicants to pass tests including, but not limited to, physical abilities and reading skills related to the work to be performed. The discretion for administering such examinations may be delegated to the hiring department.

B. ESTABLISHING A CERTIFIED LIST OF ELIGIBLES

1. Upon receipt of a request for a Certification of Eligibles, DPS will do a Random Draw of eligibles.
  - a. 25 names shall be drawn for the first position.
  - b. Random draw will include consideration of work preferences (i.e., geographic location, FTE, duration of employment, etc.) and possession of valid driver's license (DL).
  - c. Work preferences/DL may be updated throughout life of the list.
  - d. Work preferences/DL are evaluated based on data at time certification is made.
2. If a request is for more than one vacant position with the same work preferences/DL, DPS will certify one additional name per additional vacancy.
3. If requests are received for vacant positions with different work preferences/DL, DPS will generate separate random lists of 25 names each. *(Names that have already been certified will be included in the random pool.)*

4. If a list is sent to the hiring department for positions with a particular work preference/DL and DPS subsequently receives another request to fill positions with the same work preferences/DL, DPS will do a new random list for the second request. *(Names that have already been certified will be included in the random pool.)*
5. If a list has not been sent out to the hiring department at the time a subsequent request to fill positions is received and work preferences/DL are the same, the lists may be combined into one random list and one additional eligible may be certified for each additional vacancy (i.e., 2 vacancies, 26 names).

C. HIRING DEPARTMENT TO CONTACT ELIGIBLES

1. Within sixty days from the date of the certification of eligibles, the appointing authority will contact, by phone and/or mail, all eligibles certified to ascertain interest in the vacant position. The appointing authority will also make every effort within said sixty days to fairly and consistently evaluate all interested eligibles according to established departmental selection procedures and notify all eligibles in writing by first-class mail as to whether they were selected or not and their right to appeal.
2. The hiring department shall maintain appropriate documentation of the evaluation and selection process, including but not limited to:
  - a. Written, electronic, telephone, or in-person communications with applicants;
  - b. Evaluation criteria used, identity of raters, and applicants' evaluation scores/rankings.

D. IF CERTIFIED ELIGIBLES ARE UNAVAILABLE

1. Hiring department must document attempts to contact applicant by phone, email, letter, registered mail, etc. Also document attempts to schedule interview appointment(s).
2. Upon request, DPS will do a one-time supplemental random draw of sufficient number to bring the pool back to twenty-five (25); e.g., if three applicants were unavailable, DPS will provide three (3) new eligible. *(The existing eligibles will not be included in the random pool.)*

3. Subsequently, the hiring department can request a supplement to ensure a pool of ten (10) eligibles if less than ten (10) eligibles become available. Ten (10) eligibles is deemed "sufficient" for selection purposes. *(Names on initial certification of eligibles will not be included in the random pool.)*

E. LIMITED TERM APPOINTMENTS

1. Limited Term Appointments should be made following the same procedures as described herein.
2. Persons hired via civil service procedures may be eligible for a permanent appointment should the temporary vacancy become permanent or a related position in the same class within the department becomes available, provided that the period of service as a temporary appointee immediately preceded the appointment to the permanent position.

F. DURATION OF CERTIFICATION

1. An initial certification will expire after sixty (60) days. The certification may be extended upon request, prior to expiration.
2. If a certified list expires with no action taken, DPS will recertify the same list of names upon receipt of a request to fill the same position. The list will be updated for availability and additional eligibles will be certified to replace anyone who is no longer available.
3. If the hiring department selects an eligible from the list and the selectee subsequently does not assume the position, the hiring department may select another eligible from the same list if the certification has not expired.
4. If the hiring department selects an eligible from the list and the selectee subsequently fails to pass probation, the hiring department shall request a new certification. DPS will certify a new list of 25 names. *(Names that were previously certified will be included in the random pool.)*

## BFED Committee

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**From:** Michelle L. Santos <Michelle.Santos@co.maui.hi.us>  
**Sent:** Friday, January 3, 2025 10:14 AM  
**To:** BFED Committee  
**Cc:** Cynthia E. Sasada; Josiah K. Nishita; Keli P. Nahooikaika; Andrea M. Rock-Mendes; Cynthia M. Razo-Porter; Kainea K. Aiwohi-Alo  
**Subject:** MT#10906 Employee Retention and Recruitment Contract  
**Attachments:** MT#10906-BFED Committee.pdf