

	DEPARTMENT OF PUBLIC SAFETY	EFFECTIVE DATE: JAN 26 1998	POLICY NO.: ADM.03.30
	DEPARTMENT ADMINISTRATION POLICY AND PROCEDURES	SUPERSEDES (Policy No. & Date): NEW	
	SUBJECT: PERSONAL HARDSHIP ACCOMMODATION	Page 1 of 5	

No. 98-43699

1.0 PURPOSE

To establish guidelines governing the conditions under which an employee may apply for transfer or demotion to a vacant Departmental position due to personal hardship.

2.0 REFERENCES & DEFINITIONS

1. References

- a. Hawaii Revised Statutes (HRS) section 76-23, relating to the manner in which positions shall be filled.
- b. First Consideration Policy of the Department of Human Resources Development, November, 1994, revision.

2. Definitions

- a. Life-Threatening Situation: A situation beyond the control of an employee which jeopardizes the health and welfare of the individual and/or their immediate family if they are not selected for a vacant position. As an example, an employee who lives and works in Honolulu has parents who live in Hilo. One parent dies and the other is an invalid who requires care. The employee cannot accommodate the invalid parent in Honolulu and would like to work in Hilo where adequate care for the parent can be achieved.
- b. Self-inflicted Hardship: A situation brought about by an employee which imposes a hardship on themselves or their immediate family and is completely of their own doing. As an example, an employee who lives and works in Honolulu, buys a home in Hilo, and then cannot keep up the payments for both residences; as a consequence, the employee wants to sell their Honolulu residence and move to Hilo where there is a vacant position.
- c. Immediate family: For purposes of this policy, immediate family is defined as mother, father, wife, husband, child, grandparents, or sibling(s). In

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instances of "hanai" relationships, individuals who functioned in the roles as parent(s), sibling(s), or child(ren), will be considered as part of the employee's immediate family. A common-law spouse will be considered to be part of the employee's immediate family if there is a bona-fide, long-term spousal relationship.

- d. Competent Employee: An employee who: (1) is a regular civil service employee of the Executive Branch of State government; (2) as of the last formal appraisal, has demonstrated satisfactory performance in his/her position; and (3) meets the minimum qualification requirements of the position or class being sought.

3.0 POLICY

Employees may request a transfer based on hardship circumstances at any time. However, a hardship transfer shall not be affected to a vacancy that is in the process of being filled internally or externally whereby applications are being screened for minimum qualification requirements or interviews have been scheduled. A transfer will be considered only if all of the following conditions are met:

- There is a vacancy at the organization the employee wishes to transfer to,
- The transfer is necessary due to a personal life-threatening situation,
- The vacant position applied for is in the same class as the employee and with the same employment conditions,
- The vacant position applied for offers no additional or foreseen promotional opportunities than the position the employee currently holds, and
- The employee is a competent employee.

4.0 PROCEDURES

.1 Employees

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An employee who wishes to transfer to a vacant position due to a personal hardship, shall submit a request in writing to their division administrator through their chain of command.

Only life-threatening situations will be considered as a basis for a transfer. It is the responsibility of the employee to prove that such a condition exists and is not a self-inflicted hardship. Examples of some of the documentation that may prove validity and must be attached to a request are, depending on the situation, copies of:

- Medical records signed by a licensed physician.
- Bank statements.
- Home mortgage contract.
- Monthly home mortgage payment statements.
- Documents verifying maintenance or fees for condominiums.
- Utility bills
- Lease or rental agreement.
- Vehicle financing contract.
- Federal and State income tax returns.

At the discretion of the division administrator, other documents deemed necessary may be requested of the employee.

.2 Division Administrator

- a. The Division Administrator shall screen all requests. The screening process shall include, but not be limited to, the following:

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1. The validity of the request (life-threatening or self-inflicted hardship) based on documentation provided by the employee.
 2. Consultation with the employee's bargaining representative for their comments.
 3. Consultation with the head of the Department organization that has the vacancy (receiving agency) for their recommendations.
- b. The division administrator shall then prepare a package for forwarding to the Director, through the respective Deputy Director, for each employee request. The package shall include the following:
1. Any documents provided by the employee to support their request.
 2. A summary of the consensus of the findings (from receiving agency, bargaining representative, and the division administrator) which led to a recommendation of acceptance or rejection of the request.
 3. A memo prepared for the Director's signature to the employee which notifies the employee of approval or disapproval of their request. The memo shall be from the Director to the employee through the employee's chain of command (Deputy Director, division administrator, branch administrator, etc.) If a request is disapproved, the reasons for denial shall be included in the memo.
- The memo shall include the appropriate notation for a copy of the memo to be sent to the receiving agency.
- c. For all requests approved by the Director, the division administrator shall send a copy of the memo to the Department Personnel Management Office, Staffing and Technical Services Staff, as notification to begin the transfer process.
 - d. All documents provided by the employee to support their request shall be returned to the employee upon request.

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.3 Multiple Applicants for the Same Vacancy

If more than one applicant has submitted a hardship request for the same vacancy, the Director shall review the facts regarding the cases and make a determination which applicant shall be transferred to the vacancy based on the facts and circumstances of each hardship.

5.0 SCOPE

This policy applies to all employees of the Department.

APPROVAL RECOMMENDED:

Ma d Ot 01-16-98
Deputy Director for Administration Date

[Signature] 1-16-98
Deputy Director for Law Enforcement Date

[Signature] 1/16/98
Deputy Director for Corrections Date

APPROVED:

[Signature] 1/26/98
Director Date