

Prepared by the Personnel Management Office.  
This is a new Administrative Procedure.

July 1982

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RECRUITMENT, SELECTION AND APPOINTMENTS

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A9.670 EMPLOYMENT OF PERSONNEL DURING VACATIONS

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1. Purpose. To inform hiring authorities within the University system of the Attorney General's letter 87-129 dated February 19, 1963 not allowing employment of State personnel during vacation. (See Attachment 1)
  2. Objective. To ensure the proper use of vacation as a time of respite from work.
  3. Applicability/Responsibility. This procedure applies to all employees of the University system. It is the responsibility of the departments to adhere to the Attorney General's letter.
  4. Policy. Unless so specified by appropriate collective bargaining agreements, University employees shall not be granted vacation to be employed by the University or other State agencies. Vacations are granted annually to public employees on the theory that a time of respite from work will increase their efficiency.
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Attachment 1

## MEMORANDUM

TO: Mrs. Edna T. Taufaasau  
Director of Personnel Services

FROM: Roy M. Miyamoto  
Deputy Attorney General

SUBJECT: Use of vacation time to serve the legislature

This is in response to your request for our views on whether public employees should be granted permission to utilize their vacation time to work for the legislature.

Vacations are granted annually to public employees on the theory that a time of respite from work will increase their efficiency, and not as a bonus for their services. Attorney General Opinion 0.1668 (1933-1939). To allow public employees to work for the legislature during vacation periods would fundamentally defeat this purpose.

However, granting leave of absence to work for the legislature is authorized by section 5-45.5 of our Revised Laws and by Civil Service Rule 10.1(c); also, 6-37, Revised Laws of Hawaii 1955, as amended. Standing Committee Report No. 594, House Journal 1961, to said section 5-45.5 announces the legislative policy of making available the services of certain qualified government employees to assist the legislature without causing the personnel involved to lose certain employment benefits, including vacation credits. Such a policy would not run afoul of the fundamental purpose of vacations, i.e., afford public employees periods of rest to serve the government more efficiently.

In view of the foregoing considerations, we are of the view that conformance with the public policy in granting vacations would preclude employees from being granted vacation time to order to work for the legislature.

Very truly yours,

Roy N. Miyamoto  
Deputy Attorney General

APPROVED:

/s/ Bert T. Kobayashi

BERT T. KOBAYASHI  
Attorney General

cc: Governor's Office