

OVERVIEW

Audit of Temporary and Emergency Staffing of State Agencies

Report No. 99-23, December 1999

Summary

This audit was conducted pursuant to Section 23-4, Hawaii Revised Statutes, which requires the Auditor to conduct post-audits of the transactions, accounts, programs, and performance of all departments, offices, and agencies of the State and its political subdivisions.

Under certain conditions, an agency may decide to fill a position by appointing a person on a temporary or emergency basis. A temporary appointment fills a vacant position temporarily to ensure the continuation of essential public business. An emergency appointment fills a vacant position temporarily as a last resort to prevent stoppage of essential public services, as in emergency situations where the life and safety of the public are at stake.

Our audit focused on temporary and emergency appointments in the civil service. According to the state Department of Human Resources Development, as of September 30, 1998, there were 918 temporary appointees filling permanent civil service positions and there were 788 emergency hires. (These statistics exclude the Department of Education, the University of Hawaii, and non-civil service employees and appointed officials.)

Temporary appointments and emergency appointments can be useful in meeting the challenge of staffing state programs effectively. However, our audit found that these appointments also entail significant problems.

Specifically, we found that temporary appointments can pose problems for staff recruitment, retention, and productivity. Key problems include the lack of job security and the "right of return." Temporary appointments of regular (that is, someone who has been hired on a permanent basis) civil service employees to other government positions are supposedly short term for specific time periods. However, these appointments are commonly extended, even beyond five years and sometimes over 15 years. A regular civil service employee serving in a temporary appointment has the right to return to his or her permanent position once the temporary appointment is over. The temporary appointment can last for many years; in the meantime, the original permanent position can be filled only with a temporary employee until the "incumbent" returns, contributing to staffing problems. We found one employee who still has return rights to a permanent position after 16 years in a temporary appointment.

We also found that the State's use of emergency appointments is sometimes questionable. The problems include situations where people serve in emergency appointments for lengthy periods and situations where emergency appointments may be used for other purposes.



Emergency appointments are supposed to be short-term appointments. However, we found some employees receiving emergency appointments to the same position repeatedly. In one case, an emergency appointment was extended 43 times over a period of 3.5 years. We also found some persons being selected for emergency appointments to various positions successively, becoming sort of “career emergency hires.” One person worked as an emergency appointee in twelve different positions for more than five years. Both repeated extensions and multiple appointments raise questions as to whether emergency appointments are being used appropriately. It also appears that agencies have sometimes used emergency appointments for non-emergencies and to serve other purposes, such as simply to retain employees; to circumvent non-emergency hiring procedures viewed as cumbersome or unlikely to deliver the person needed; and to enable individuals to acquire experience helpful in obtaining a more permanent position.

Finally, we found that the Department of Human Resources Development needs to re-examine—and modify as appropriate—state agencies’ use of temporary and emergency appointments. The current interest in civil service reform (sometimes called “modernization”) provides an opportunity for the department to do this. In pursuing improvements, the department should emphasize examining problems and alternatives, and monitoring and reporting on current practices.

Recommendations and Response

We recommended that the Department of Human Resources Development more closely examine the problems related to temporary and emergency appointments, including the impact of these appointments on the civil service merit system. We also recommended that the department more effectively monitor and report on the line agencies’ use of temporary and emergency appointments. Our report includes details about each of these recommendations.

Responding to a draft of our report, the Department of Human Resources Development commented that it generally concurred with our data and findings and that it was committed to improvements. The department also commented on a variety of subjects including civil service modernization, the department’s role in agency staffing, and specific statements made in our draft report.