

OPINION NO. 220

The head of a state agency requested an advisory opinion on the definition of an "employee," as used in HRS chapter 84 (Supp. 1974).

The employee indicated that his agency intended to enter into a contract with a business firm for the services of its staff. The owner of this firm was to receive a regular appointment as a staff member from another state agency for approximately ten per cent of his time. The state employee requesting this advisory opinion inquired whether this individual would be an employee under the provisions of HRS ch. 84, and, specifically, HRS §84-15.

HRS §84-3(4) defines an "employee" as:

... any nominated, appointed, or elected officer or employee of the State, including members of boards, commissions, and committees, and employees under contract to the State, but excluding legislators, justices and judges.

We held, pursuant to HRS §84-3(4), that the individual in question who received a regular appointment as a staff member from a state agency for ten per cent of his time was an "employee" and was subject to HRS chapter 84. Thus, we stated that HRS §84-15 had to be complied with in this case.

In making this holding, we considered that members of boards and commissions, most of whom are part-time public servants, are included in the definition of an employee in HRS §84-3(4). We also considered HRS §84-1, which states that HRS chapter 84 "shall be liberally construed to promote high standards of ethical conduct in state government."

We expressed appreciation for the employee's concern for ethical matters within his province.

Dated: Honolulu, Hawaii, June 17, 1975.

STATE ETHICS COMMISSION
Vernon F.L. Char, Chairman,
Audrey P. Bliss, Commissioner
Paul C.T. Loo, Commissioner

Note: Commissioners Gwendolyn B. Bailey and I.B. Peterson were excused from the meeting at which this opinion was considered.