DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT

Adoption of Chapter 14-14.01
Hawai`i Administrative Rules

September 7, 2004

SUMMARY

Chapter 14-14.01, Hawai`i Administrative Rules, entitled "Resignation", is adopted.

HAWAI`I ADMINISTRATIVE RULES

TITLE 14

DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT

SUBTITLE 1

STATE OF HAWAI`I HUMAN RESOURCES RULES

CHAPTER 14.01

RESIGNATION

§14-14.01-1	Purpose
§14-14.01-2	Applicability
§14-14.01-3	Notice of resignation
§14-14.01-4	Failure to report to duty; resignation
§14-14.01-5	Withdrawal of resignation
§14-14.01-6	Resignation submitted during an investigation
§14-14.01-7	Resignation submitted following notice of discharge

Historical Note: Chapter 14-14.01 is based substantially upon Subchapter 1 of Chapter 14-14, Hawai`i Administrative Rules. [Eff 6/22/81; comp 8/1/91; am and comp 6/11/92; R 4/1/2002]

§14-14.01-1 Purpose. The purpose of this chapter is to provide for orderly and uniform procedures for the resignation of employees from state service. [Eff JAN 28 2005] (Auth: HRS §§76-17, 76-30) (Imp: HRS §76-30)

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§14-14.01-2 Applicability. This chapter shall apply to civil service and exempt employees unless otherwise specified. [Eff JAN 28 2005] (Auth: HRS §§76-17, 76-30) (Imp: HRS §76-30)

§14-14.01-3 Notice of resignation. When an employee elects to separate from the service, the employee shall notify the appointing authority in writing at least fifteen calendar days before the date of the separation, unless the appointing authority waives this requirement, or due to circumstances specified under section 14-14.01-4. [Eff JAN 28 2005] (Auth: HRS §§76-17, 76-30) (Imp: HRS §76-30)

§14-14.01-4 Failure to report to duty; resignation. (a) An employee who fails to report to duty for a period of fifteen calendar days without providing the employer with reasons for the absence during that period shall be deemed to have resigned. The effective date of the resignation shall be the day immediately following the fifteenth day of absence.

(b) If the employee expresses a desire to continue employment within fifteen days from the last day the employee reported for work, the employee shall not be deemed to have resigned. The appointing authority may consider appropriate disciplinary action, including discharge, where the employee fails to provide satisfactory reasons for failure to report for duty as expected. [Eff JAN 28 2005] (Auth: HRS §§76-17, 76-30) (Imp: HRS §76-30)

§14-14.01-5 Withdrawal of resignation. A resignation shall be binding on the employee upon the submission of the resignation notice. It may be withdrawn only with the appointing authority's consent. [Eff JAN 28 2005] (Auth: HRS §§76-17, 76-30) (Imp: HRS §76-30)

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§14-14.01-6 Resignation submitted during an investigation. When an employee submits a written resignation while being the subject of an investigation pertaining to an alleged impropriety on the employee's part, the appointing authority shall determine whether to:

(1) Discontinue the investigation and accept the resignation, provided that the requirements of section 14-14.01-3 have been met; or

(2) Continue the investigation and accept the resignation on the condition that it may be changed to a discharge, depending upon the outcome of the investigation. [Eff JAN 28 2005] (Auth: HRS §§76-17, 76-30) (Imp: HRS §76-30)

§14-14.01-7 Resignation submitted following notice of discharge. If an employee submits a written resignation after receiving notice of discharge, the appointing authority shall determine whether to:

(1) Accept the resignation, provided that, notwithstanding section 14-14.01-3, the effective date is on or before the date the discharge would have taken place; or

(2) Reject the resignation and effect the discharge. [Eff JAN 28 2005] (Auth: HRS §§76-17, 76-30) (Imp: HRS §76-30)

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DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT

Chapter 14-14.01, Hawai`i Administrative Rules, on the Summary Page dated September 7, 2004, was adopted on September 7, 2004, following a public hearing held on September 7, 2004, after public notice was given in the Honolulu Star Bulletin, Maui News, Garden Isle, Hawaii Tribune Herald, and West Hawaii newspapers on August 6, 2004.

The adoption of chapter 14-14.01 shall take effect ten days after filing with the Office of the Lieutenant Governor.

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Director of Human Resources
Development

APPROVED:

LINDA A. LINGLE
Governor
State of Hawai`i

Dated: JAN 14 2005

APPROVED AS TO FORM:

Deputy Attorney General

Filed: _____

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LIEUTENANT GOVERNOR'S OFFICE

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