

Prepared by the Office of Human Resources.
This replaces Administrative Procedures No. A9.500,
dated July 1982.

August 1997

RECRUITMENT, SELECTION AND APPOINTMENTS

A9.500 RESIDENCY REQUIREMENT FOR PUBLIC EMPLOYMENT

1. Purpose

To implement Section 78-1, H.R.S., Citizenship and Residence of Government Officials and Employees; Exceptions. Provides for residency requirement for public employment.

2. Applicability/Responsibility

- a. This instruction applies to persons appointed to civil service positions and positions in the Administrative, Professional and Technical (APT) classification plan, including casual appointees in this category, except as may be specifically exempted.
- b. This instruction does not apply to persons appointed to positions in the faculty and executive/managerial classification plans and to casual appointees in these categories.
- c. The employing department is responsible for compliance with the recruitment and selection process for public employment.

3. Definition

"Resident" means a person who is physically present in the State at the time the person claims to have established the person's domicile in the State and shows the person's intent is to make Hawaii the person's permanent residence. In determining this intent, the following factors shall be considered:

- a. Maintenance of domicile or permanent place of residence in the State.
- b. Absence of residency in another state.
- c. See Attachment 1 - Guidelines for Determining Residency for State Employment.

- d. See Attachment 2 - State of Hawaii Residency Questionnaire. The information provided by the employee on this form may be used to determine residency status.

4. Selection

Civil service. The selection and appointment of civil service employees shall be in accordance with appropriate State Personnel Rules and collective bargaining agreements.

APT and Casual Appointments. The selection and appointment of APT and casual employees shall be in accordance with appropriate University procedures and collective bargaining agreements. In addition, the following shall apply in accordance with Section 78-1, H.R.S.:

- a. The appointee shall be a resident of the State at the time of one's application for employment.
- b. If all other factors are relatively equal, first consideration shall be given to residents who have filed resident income tax returns with the State or who have been claimed as a dependent on such a return at the time of their application for employment.
- c. A certification of residency status (Attachment 3) must accompany all recommendations for appointment unless residency is exempted under paragraph 5 below. Only persons recommended for appointments should be required to file certification. Certifications should not be required of all applicants at the time their applications are accepted.

5. Exceptions

Appointees to APT positions requiring highly specialized technical or scientific knowledge and skills may be made without consideration of residency upon approval of the System Director of Human Resources.

Requests for approval are to be submitted by memorandum and should contain the following:

- a. a description of the required specialized knowledge and skills consistent with the official position description of record.

- b. evidence that recruitment failed to produce a suitable candidate who meets the residency requirement (attach a completed Form 17).

GUIDELINES FOR DETERMINING RESIDENCY FOR STATE EMPLOYMENT

"Resident", used synonymously with "domicile", is a combination of physical presence in a place and the intent to make such place one's permanent home. In order to become a resident of the State of Hawai'i, one must take action to become a permanent resident of this State.

Residence, for purposes of employment, is established by one who is physically present in the State while, at the same time, intending to make Hawai'i one's permanent home. The prior residence must be relinquished and steps must be taken prior to the job application to evidence the intent to make Hawai'i the permanent home. Examples of such affirmative steps include the filing of personal Hawai'i Resident Income Tax Returns, registration to vote in Hawai'i elections, membership in voluntary organizations in Hawai'i, operation of a business or holding of a position in Hawai'i, or ownership of residential property or continuous rental of a place of residence on a lease basis in Hawai'i.

Although it is not expected that one will accomplish all of the above, pertinent indicia will be expected if one claims the State of Hawai'i as one's residence. Any person claiming the State of Hawai'i as one's residence is legally liable to file a Hawai'i State Resident Income Tax Return if one has had any taxable earnings. Residence in Hawai'i and residence in another state cannot be held simultaneously.

STATE OF HAWAI'I RESIDENCE QUESTIONNAIRE
UNIVERSITY OF HAWAI'I

Date: _____

Application of _____ for _____
(Name) (Job No., Title)

Every individual has either a domicile (residence) of origin or a domicile of choice. Unless one acquires a new domicile of choice, his/her domicile must be one of his/her origin. A new domicile may be acquired in several ways. To determine whether you have acquired or maintained residence in Hawai'i at the time you submitted your application for employment by the University of Hawai'i, we will evaluate the information you provide to the questions below.

1. a. If you previously claimed residence in another jurisdiction, did you subsequently declare your change of residence to Hawai'i either orally or in writing? Yes No
- b. If your answer to 1.a. is "Yes", specify the details, including dates. (If available, present documents with this completed form to substantiate the change; e.g., military discharge or separation papers or official communications to proper authorities informing them of such change.)

2. Indicate below any other information which you feel would substantiate your claim of residence in Hawai'i.

3. a. Are you registered to vote in a jurisdiction other than Hawai'i? Yes No
- b. If your answer to 3.a. is "Yes", when and where did you last register to vote in such jurisdiction?

_____ (Month and Year) _____ (City and State)

4. a. Have you voted in an election conducted by a jurisdiction other than Hawai'i? Yes No
- b. If your answer to 4.a. is "Yes", when and where did you last vote in such jurisdiction?

_____ (Month and Year) _____ (City and State)

5. a. Have you filed Hawai'i State income tax returns with the State of Hawai'i Tax Collector? Yes No
- b. If your answer to 5.a. is "Yes", did you file such returns as a resident of Hawai'i? Yes No
- c. If your answer to 5.b. is "Yes", when did you file income tax returns as a resident of Hawai'i?
- _____
- (Month and Year)
- d. If your answer is "No" to 5.a. above, did you file income tax returns for another state, as a resident of that state? Yes No
- e. If your answer to 5.d. above is "Yes", for which state did you last file such returns?
- _____
- (Month and Year) _____ (State)
6. a. Did you attend a college or university in a jurisdiction other than Hawai'i which granted benefits to students who are residents of that jurisdiction? Yes No
- b. If your answer to 6.a. is "Yes", did you enjoy such benefits as a resident of that jurisdiction? Yes No

"I hereby certify that all statements given are true and correct to the best of my knowledge and belief, and I agree and understand that any misstatements of material facts herein may cause forfeiture of all rights of any employment in the service of the University of Hawai'i."

(Date)

(Signature of Applicant)

CERTIFICATION OF RESIDENCY

I am a resident of the State of Hawai'i. Yes No

Date residency established _____

Date last filed Hawai'i State Resident Income Tax Return

Signature of Applicant

Date