

BEFORE THE HAWAI'I STATE ETHICS COMMISSION

STATE OF HAWAI'I

In the Matter of

HAWAI'I STATE ETHICS COMMISSION

Applications for Good Cause Exceptions to
the Nepotism Law

ORDER REGARDING APPLICATIONS FOR GOOD CAUSE EXCEPTIONS TO THE
NEPOTISM LAW

The Hawai'i Legislature recently passed House Bill 717 HD1 SD2 CD1 (2023) ("nepotism law"), which prohibits nepotism in the executive branch and is awaiting the Governor's signature. Should the Governor sign the nepotism law, it is hereby ordered that the following procedures will govern requests for "good cause" exceptions under § (e) of the nepotism law pending the enactment of new administrative rules.

The Commission will provide a good cause exception application, which will be available on the Commission's website, and require that the agency or employee explain and furnish proof of why they need to be exempted from the nepotism law, the nature of the relationship between the employee and their relative, what efforts were taken to comply with the law absent an exception, how the relevant state position was advertised and for how long (if the decision relates to a new hire), and when the agency or employee must have an answer from the Commission. The Commission's staff may request additional information from the applicant and conduct interviews if necessary. During the pendency of any application, the applicant shall preserve the status quo relating to the employee's employment responsibilities.


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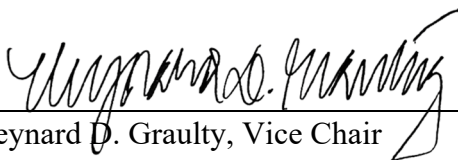
Pursuant to Haw. Admin. R. § 21-1-11(c), the Commission delegates the initial decision on any good cause exception application to the Executive Director. The Executive Director's decisions on good cause applications will be publicly available on the Commission's website. Should the good cause application raise novel issues or should the applicant disagree with the Executive Director's decision, the matter shall be referred to the Commission for a decision, which will be publicly posted on the Commission's website.

DATED: Honolulu, Hawai'i, May 17, 2023.

HAWAI'I STATE ETHICS COMMISSION



Wesley F. Fong, Chair



Reynard D. Gaulty, Vice Chair



Harry McCarthy, Commissioner



Beverley Tobias, Commissioner



Robert Hong, Commissioner