

Chapter VIII

PARKING

- A. GENERAL POLICY
- B. SCOPE
- C. INITIAL PARKING ASSIGNMENTS
 - 1. Noncompetitive Assignment Priority
 - 2. Competitive Assignment Priority
 - 3. Exception to Parking Assignment by Departmental Seniority
- D. CHANGING PARKING ASSIGNMENTS
- E. RULES GOVERNING PARKING ASSIGNMENTS
 - 1. Departmental Seniority Defined
 - 2. Loss of Noncompetitive Priority
 - 3. Selection of Parking Assignments from the Competitive Lists
 - 4. Effect of Declination of Assignment
 - 5. Effect of Termination or Transfer
 - 6. Actual Use Required
- F. EFFECTIVE DATE
- G. APPLICATION FOR PARKING

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A. GENERAL POLICY

Because of the increasing demand for parking spaces in the downtown Honolulu area and the limited number of spaces available, it is the policy of the Department of the Attorney General to encourage its employees to find means of transportation to the workplace other than private automobiles, such as public transportation or car pools. It is recognized that for many, a privately owned automobile is the only practical means of transportation to the office, particularly if the automobile is needed during the course of the employee's duties. For this reason, it is necessary for the department to adopt a policy of assigning parking spaces allocated by the Department of Accounting and General Services (DAGS) to the Department of the Attorney General (department). The following policy is designed to give clarity and standards for the most equitable distribution of State parking assignments, balancing personal convenience with the operational needs of the department.

B. SCOPE

This policy regarding assignment of state parking spaces shall apply to all employees of the department whose principal offices are located in Hale Auhau, Kekuanaoa, Leiopapa, Melim and Kakuhihewa. This policy affects only DAGS controlled parking spaces.

C. INITIAL PARKING ASSIGNMENTS – PRIORITY CATEGORIES

1. Noncompetitive Assignment Priority

Individuals in the noncompetitive assignment priority category shall be assigned DAGS parking spaces on a priority basis irrespective of their seniority in the department. These individuals shall be assigned available parking spaces ahead of those individuals on the competitive assignment priority list in the following order or priority:

- a. Attorney General, First Deputy Attorney General, Administrative Services Manager, and Special Assistant;
- b. Employees who are required to use an automobile as a condition of employment or who have a bonified medical condition necessitating the use of an automobile, as determined by DAGS rules and policies;
- c. Division Supervisors; and

- d. Other executive-level staff designated by the AG.

An employees who feels entitled to noncompetitive assignment priority because use of an automobile is a condition of employment must make a written application for such status to the Administrative Services Manager (ASM), through the employee's division supervisor. The written application must clearly articulate why the use of an automobile should be considered a condition of employment. The employee's division supervisor will forward the application to the ASM with the concurrence or nonconcurrence, giving the reasons therefore.

Individuals seeking assignment of car pool parking spaces are not covered by this policy as DAGS has established its own policies regarding assignment of car pool parking spaces in § 3-30-6, Hawaii Administrative rules. Car pool parking assignments and applications therefore shall be made in accordance with § 3-30-6, Hawaii Administrative Rules.

2. Competitive Assignment Priority

Individuals in the competitive assignment priority categories shall be assigned DAGS parking spaces as they become available, so long as there is no person falling in the noncompetitive assignment priority category desiring a parking assignment. There shall be a waiting list for assignment of parking spaces.

3. Exception to Parking Assignment by Departmental Seniority

The DAGS rules and policies relating to parking assignments permit a State employee who has a parking assignment to retain that parking assignment in the event of a transfer to another state agency. Therefore, when an employee with a parking assignment transfers into the department from another state agency, that individual will be permitted to retain his or her parking assignment without regard to departmental seniority.

D. CHANGING PARKING ASSIGNMENTS

1. Involuntary Reassignments

The AG may involuntarily reassign individuals to a different parking assignment if it is determined that such reassignment is in the best interests of the department. DAGS may involuntarily reassign individuals to a different parking assignment in accordance with its policies and procedures.

2. Voluntary Reassignments

If an individual with assigned parking wishes to change parking assignments, that individual must submit a written or email request to the ASM which specifies the present parking assignment, the division in which the individual works, and the lot to which the individual wishes to transfer. Transfers will be made only to vacant parking spaces available within the department's assigned allocation from

DAGS. The ASM will determine the individual's service computation date. Parking assignment transfers will have priority. As between individuals with noncompetitive assignment priority, the individual with the earliest service computation date shall have priority. Individuals will be considered for transfer only to those lots specified by them and only if the requested lots are within the geographical limitations imposed by DAGS unless a deviation is specifically authorized by the AG.

E. RULES GOVERNING PARKING ASSIGNMENTS

1. Departmental Seniority Defined: Departmental seniority shall be determined based upon the total years, months, and days of service based on the date of the application for parking, with the department while holding a permanent, temporary, or exempt appointment as reflected by the application records maintained by the ASM. An employee who leaves the department shall forfeit departmental seniority except as provided below. Should an employee leave the department for employment with an agency of the state or one its political subdivisions, that employee will be given seniority credit on a day-for-day basis for prior service in the department upon reemployment with the agency of the state or its political subdivisions.
2. Loss of Noncompetitive Priority: In the event an individual who is in a non-competitive assignment priority status transfers to another position which does not have a noncompetitive assignment priority status, that individual must surrender his or her parking assignment and assume a position on the appropriate competitive assignment priority list based upon his or her departmental seniority.
3. Selection of Parking Assignments from the Competitive List: Parking Assignments shall generally be awarded from the wait list.
4. Effect of Declination of Assignment: In the event that an individual on the competitive assignment priority list declines an offered parking assignment, the parking assignment will be offered to the next person with the next highest seniority in the same competitive assignment priority list. A person declining a parking assignment does not lose any seniority on account of the declination.
5. Effect of Termination or Transfer: If an employee terminates his or her employment with the department and does not transfer to another state agency, the employee must surrender his or her parking assignment upon demand. If an employee transfers to another state agency, however, the employee may retain his or her parking assignment in accordance with DAGS rules and policies. The ASM will be responsible for monitoring the termination of parking assignments.
6. Actual Use Required: In order to be fair to all employees who regularly use their private automobiles for transportation, actual use of the assigned parking space is a condition for continued assignment. Failure of an employee to regularly use the employee's assigned parking space shall be grounds for termination of the parking assignment. "Actual use" of a parking space is defined as use of the

parking space not less than 16 out of every 20 working days. An employee's authorized absence, whether for personal or business reasons, shall not be considered when determining whether the parking space is in actual use.

F. EFFECTIVE DATE

This policy shall apply only to those parking spaces allocated to the department which become available for assignment on or after the effective date of this policy. No employee assigned to a DAGS parking space before the effective date of this policy shall be required to forfeit that parking space solely by reason of the implementation of this policy. This policy shall become effective on July 1, 2015.

G. APPLICATION FOR PARKING – See Attachment (See the ASM for the application)