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# A BILL FOR AN ACT

RELATING TO PUBLIC EMPLOYEES' HEALTH BENEFITS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 78-2.8, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           " ~~[+] §78-2.8 [±]~~ **Public employees; termination.** (a) If a  
4 public employee or an elected official is convicted of a felony  
5 for conduct related to the public employee's duties, the public  
6 employee or elected official shall be terminated from the public  
7 employee's position~~[±]~~ and shall forfeit benefits under chapters  
8 87A and 87D.

9           (b) If the felony conviction that results in the  
10 termination of a public employee pursuant to subsection (a) is  
11 overturned on appeal, the public employee shall ~~[receive]~~:

12           (1) Receive back pay and be returned to the position the  
13 public employee held prior to conviction, or an  
14 equivalent position if the public employee's position  
15 was filled; provided that the employee is not  
16 terminated from the employee's position in accordance  
17 with any other provision of law~~[±]~~; and



1       (2) Be reinstated to receive health benefits under chapter  
2       87A or 87D, as applicable.

3       (c) For purposes of this section:

4       (1) "Public employee" means any public employee of the  
5       State or any county, and the political subdivisions  
6       and agencies thereof, any employees under contract  
7       with the State or county, any civil service employees,  
8       and any probationary or provisional employees of the  
9       State or county;

10      (2) Employees covered by chapter 89 shall be entitled to a  
11      grievance procedure culminating in a final and binding  
12      decision; and

13      (3) A rebuttable presumption shall arise that the criminal  
14      conviction is just and proper cause for the employee's  
15      termination~~[-]~~ of the employee's position and health  
16      benefits."

17      SECTION 2. Section 87A-21, Hawaii Revised Statutes, is  
18      amended by amending subsection (a) to read as follows:

19      "(a) The board shall establish eligibility criteria to  
20      determine who can qualify as an employee-beneficiary, dependent-  
21      beneficiary, or qualified-beneficiary, consistent with ~~[the~~  
22      ~~provisions of]~~ this chapter~~[-]~~ and section 78-2.8."



1 SECTION 3. Section 87D-3, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) The summary plan description shall contain the  
4 following information:

- 5 (1) The name and type of administration of the plan;
- 6 (2) In the case of a group health plan, whether a health  
7 insurance issuer is responsible for the financing or  
8 administration (including payment of claims) of the  
9 plan and if so, the name and address of such issuer;
- 10 (3) The name and address of the person designated as agent  
11 for the service of legal process, if such person is  
12 not the administrator;
- 13 (4) The name and address of the administrator;
- 14 (5) The names, titles, and addresses of any trustee or  
15 trustees;
- 16 (6) A description of the relevant provisions of any  
17 applicable collective bargaining agreement;
- 18 (7) The plan's requirements respecting eligibility for  
19 participation and benefits~~[7]~~, subject to section 78-  
20 2.8;
- 21 (8) Circumstances that may result in disqualification,  
22 ineligibility, or denial or loss of benefits;



1 (9) The source of financing of the plan and the identity  
2 of any organization through which benefits are  
3 provided;

4 (10) The date of the end of the plan year and whether  
5 records of the plan are kept on a calendar, policy, or  
6 fiscal year basis; and

7 (11) The procedures to be followed in presenting claims for  
8 benefits under the plan and the remedies available  
9 under the plan procedures.

10 The summary plan description shall contain any other  
11 information required under Title 29 United States Code sections  
12 1001-1191, as amended, and related regulations."

13 SECTION 4. This Act does not affect rights and duties that  
14 matured, penalties that were incurred, and proceedings that were  
15 begun, before its effective date.

16 SECTION 5. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: *Yudhishthira* By Request



**Report Title:**

Public Employees; Health Benefits

**Description:**

Terminates public employees' health benefits upon conviction of a felony relating to the employees' duties.

