
A BILL FOR AN ACT

RELATING TO EMPLOYEES.

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

1 **PART I**

2 SECTION 1. Section 78-26, Hawaii Revised Statutes, is
3 amended to read as follows:

4 "§78-26 Leave sharing program. (a) ~~[The legislature,~~
5 ~~with regard to its employees, or the chief executive of a~~
6 ~~jurisdiction may]~~ Each state government branch shall establish a
7 leave sharing program to allow state employees to donate
8 accumulated vacation leave credits to another state employee
9 [within the same jurisdiction] who has a serious personal
10 illness or injury or who has a family member who has a serious
11 personal illness or injury~~[-]~~; provided that the chief executive
12 of a county may establish a leave sharing program pursuant to
13 this section for employees of a county. The program shall allow
14 employees who are not entitled to vacation leave to donate
15 accumulated sick leave credits.

16 (b) ~~[The legislature, with regard to its employees, or the~~
17 ~~director of a jurisdiction desiring to establish a leave sharing~~



1 ~~program]~~ Each state government branch, and any county that
2 voluntarily establishes a leave sharing program pursuant to this
3 section, shall develop rules governing donors, recipients, and
4 an approval process that ensures fair treatment and freedom from
5 coercion of employees and imposes no undue hardship on the
6 employer's operations [~~— If it is administratively infeasible to~~
7 ~~allow leave sharing between different departments or different~~
8 ~~bargaining units, the rules may limit leave sharing to employees~~
9 ~~within the same department or same bargaining unit, as~~
10 ~~necessary.~~]; provided that a state government branch shall not
11 prohibit leave sharing between different departments or
12 bargaining units because of administrative infeasibility. At a
13 minimum, the rules shall require that an eligible recipient must
14 have:

- 15 (1) No less than six months of service within the
16 respective jurisdiction;
- 17 (2) Exhausted or is about to exhaust all vacation leave,
18 sick leave, and compensatory time credits; provided
19 that sick leave need not be exhausted when the illness
20 or injury involves a family member;



- 1 (3) A personal illness or injury or a family member's
2 illness or injury certified by a competent medical
3 examiner as being serious and the cause of the
4 recipient's inability to work; provided that the
5 illness or injury is not covered under chapter 386 or,
6 if covered, all benefits under chapter 386 have been
7 exhausted; and
- 8 (4) No disciplinary record of sick leave abuse within the
9 past two years.

10 ~~[Notwithstanding the requirements of chapter 91, the~~
11 ~~legislature may establish a leave sharing program for~~
12 ~~legislative employees, in accordance with this section, under~~
13 ~~policies adopted separately by each house of the legislature and~~
14 ~~each legislative service agency, or jointly by any combination~~
15 ~~of entities thereof.]~~

16 (c) As used in this section, "state government branch"
17 includes each department or agency of the state executive
18 branch, judiciary, and legislature."

19 **PART II**

20 SECTION 2. Section 78-23, Hawaii Revised Statutes, is
21 amended by amending subsection (c) to read as follows:



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on January 7, 2059.



Report Title:

Shared Leave Program; State and County Employees; Designation of Beneficiary Form

Description:

Requires each state government branch to establish a shared leave program for state employees. Allows the chief executive of a county to establish a shared leave program for county employees. Precludes a state government branch from prohibiting leave sharing between different departments or bargaining units because of administrative infeasibility. Clarifies that an employee's designation of beneficiary statement may be filed with the department where the employee is employed and eliminates the requirement that it be a verified written statement. Takes effect 1/7/2059. (SD2)

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