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## A BILL FOR AN ACT

RELATING TO ELECTION CANDIDATES.

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

1           SECTION 1. Chapter 78, Hawaii Revised Statutes, is amended  
2 by adding a new section to be appropriately designated and to  
3 read as follows:

4           "§78-       Election candidates; limitations on mandatory  
5 leave without pay during candidacy. No employee shall be placed  
6 on any leave of absence without pay by the employer because of  
7 the employee's status as an election candidate unless:

8           (1) Requested by the employee;

9           (2) The employer presents reasonable proof that the  
10           employee's status as an election candidate does or  
11           would substantially interfere with the competent  
12           performance of the employee's duties and  
13           responsibilities in public employment; provided that  
14           for any leave of absence imposed under this paragraph,  
15           the employer shall allow the employee to first exhaust  
16           any accumulated vacation leave; or



1           (3) Required for any period of absence requested by the  
 2           employee and for which the employee lacks a sufficient  
 3           amount of accumulated vacation leave.

4           For the purposes of this section, "election candidate"  
 5           means an employee who has been certified as a candidate for  
 6           elective public office by the chief election officer or county  
 7           clerk, as applicable."

8           SECTION 2. New statutory material is underscored.

9           SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: M. McEnulty

JAN 25 2017



# H.B. NO. 1432

**Report Title:**

Public Employment; Election Candidates; Mandatory Leave of  
Absence Without Pay

**Description:**

Prohibits public employers from placing employees on leave of absence without pay because of the employee's status as a candidate for elective public office. Includes exceptions for leaves of absence requested by the employee, where the employer proves that the employee's candidacy substantially interferes with the performance of duties, or if the employee lacks a sufficient amount of accumulated vacation leave.

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