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# A BILL FOR AN ACT

RELATING TO DOMESTIC VIOLENCE.

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

1           SECTION 1. The legislature finds that victims of domestic  
2 violence often need to take leave from their employment to  
3 attend to various health or legal matters and that addressing  
4 such matters should not pose a risk to their personal health and  
5 well-being, financial security, or safety due to a fear of  
6 adverse consequences from their employers. Although state law  
7 currently requires that employers allow employees to take victim  
8 leave if the employee or the employee's minor child is a victim  
9 of domestic or sexual violence, employees are required to  
10 exhaust all other paid and unpaid leave benefits before victim  
11 leave may be applied. Thus an employee may exhaust all sick  
12 leave in order to seek safety or medical attention for  
13 themselves or their minor child or to take legal action against  
14 an abuser, leaving little to no sick leave available for the  
15 rest of the calendar year.

16           The purpose of this Act is to amend Hawaii's family leave  
17 law to allow an employee to take family leave, separate from



1 victim leave, to seek safety, medical attention, or victim  
2 services related to domestic or sexual violence against the  
3 employee or the employee's minor child.

4 SECTION 2. Section 398-3, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

6 "(a) An employee shall be entitled to a total of four  
7 weeks of family leave during any calendar year [~~upon~~]:

8 (1) Upon the birth of a child of the employee or the  
9 adoption of a child[~~, or to~~];

10 (2) To care for the employee's child, spouse or reciprocal  
11 beneficiary, or parent with a serious health  
12 condition[~~-~~]; or

13 (3) To seek safety, medical attention, or victim services  
14 related to domestic or sexual violence against the  
15 employee or the employee's minor child.

16 Family leave taken under paragraph (3) shall be made  
17 available to the employee in addition to victim leave under  
18 section 378-72 and shall be treated the same as family leave  
19 taken for the other purposes permitted under this section for  
20 purposes of calculating accrued benefits under this chapter."



1 SECTION 3. Section 398-6, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§398-6 Certification. (a) An employer may require that  
4 a claim for family leave be supported by written certification.

5 (b) For the birth of a child, certification shall be  
6 issued by a health care provider or the family court. For the  
7 placement of a child for adoption with the employee,  
8 certification shall be issued by a recognized adoption agency,  
9 the attorney handling the adoption, or by the individual  
10 officially designated by the birth parent to select and approve  
11 the adoptive family.

12 (c) When leave is to care for a child, spouse, or parent  
13 who has a serious health condition, certification shall be  
14 issued by the health care provider of the individual requiring  
15 care. Certification shall be considered sufficient if it  
16 provides information as required by the director.

17 (d) When leave is to seek safety, medical attention, or  
18 victim services related to domestic or sexual violence against  
19 the employee or the employee's minor child, certification shall  
20 be provided by one of the following methods:



- 1        (1) A certificate issued by a health care provider or  
2        other professional from whom the employee or the  
3        employee's minor child has sought assistance related  
4        to the domestic or sexual violence against the  
5        employee or employee's child;
- 6        (2) A signed written statement from an employee, agent, or  
7        volunteer of a victim services organization, from the  
8        employee's attorney or advocate, or from a minor  
9        child's attorney or advocate; or
- 10       (3) A police or court record related to the domestic or  
11       sexual violence.
- 12       (e) All information provided to the employer under  
13       subsection (d), including statements of the employee, or any  
14       other documentation, record, or corroborating evidence, and the  
15       fact that the employee or employee's minor child has been a  
16       victim of domestic or sexual violence or that the employee has  
17       requested leave pursuant to section 398-3(a)(3), shall be  
18       maintained in the strictest confidence by the employer, and  
19       shall not be disclosed, except to the extent that disclosure is:
- 20       (1) Requested or consented to by the employee;  
21       (2) Ordered by a court or administrative agency; or



1        (3) Otherwise required by applicable federal or state  
2            law."

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

6            SECTION 5. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8            SECTION 6. This Act shall take effect on July 1, 2050.



**Report Title:**

Family Leave; Domestic Violence; Sexual Violence

**Description:**

Permits an employee to take family leave to seek safety, medical attention, or victim services related to domestic or sexual violence against the employee or the employee's minor child. Specifies certification and confidentiality requirements.  
(HB678 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

