
A BILL FOR AN ACT

RELATING TO PUBLIC EMPLOYEES.

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

PART I

SECTION 1. The purpose of this Act is to:

- (1) Require each state government branch, and allow each county, to establish a shared leave program for state employees;
- (2) Preclude state government branches and applicable counties from prohibiting leave sharing between employees of different departments or bargaining units because of administrative infeasibility; and
- (3) Allow a public employee to designate beneficiaries to the employee's unpaid vacation allowance and wages through a statement that is not verified or written.

PART II

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

"§78-26 Leave sharing program. (a) ~~[The legislature, with regard to its employees, or the chief executive of a~~



1 ~~jurisdiction may]~~ Each state government branch shall establish a
2 leave sharing program to allow state employees to donate
3 accumulated vacation leave credits to another state employee
4 ~~[within the same jurisdiction]~~ who has a serious personal
5 illness or injury or who has a family member who has a serious
6 personal illness or injury~~[-]~~; provided that the chief executive
7 of a county may establish a leave sharing program pursuant to
8 this section for employees of the county. The program shall
9 allow employees who are not entitled to vacation leave to donate
10 accumulated sick leave credits.

11 (b) ~~[The legislature, with regard to its employees, or the~~
12 ~~director of a jurisdiction desiring to establish a leave sharing~~
13 ~~program]~~ Each state government branch, and any county that
14 establishes a leave sharing program pursuant to this section,
15 shall develop rules governing donors, recipients, and an
16 approval process that ensures fair treatment and freedom from
17 coercion of employees and imposes no undue hardship on the
18 employer's operations~~[-. If it is administratively infeasible to~~
19 ~~allow leave sharing between different departments or different~~
20 ~~bargaining units, the rules may limit leave sharing to employees~~
21 ~~within the same department or same bargaining unit, as~~



1 ~~necessary-];~~ provided that no state government branch or county
2 that establishes a leave sharing program pursuant to this
3 section shall prohibit leave sharing between different
4 departments or bargaining units because of administrative
5 infeasibility. At a minimum, the rules shall require that an
6 eligible recipient must have:

- 7 (1) No less than six months of service within the
8 respective jurisdiction;
- 9 (2) Exhausted or is about to exhaust all vacation leave,
10 sick leave, and compensatory time credits; provided
11 that sick leave need not be exhausted when the illness
12 or injury involves a family member;
- 13 (3) A personal illness or injury or a family member's
14 illness or injury certified by a competent medical
15 examiner as being serious and the cause of the
16 recipient's inability to work; provided that the
17 illness or injury is not covered under chapter 386 or,
18 if covered, all benefits under chapter 386 have been
19 exhausted; and
- 20 (4) No disciplinary record of sick leave abuse within the
21 past two years.



1 ~~[Notwithstanding the requirements of chapter 91, the~~
 2 ~~legislature may establish a leave sharing program for~~
 3 ~~legislative employees, in accordance with this section, under~~
 4 ~~policies adopted separately by each house of the legislature and~~
 5 ~~each legislative service agency, or jointly by any combination~~
 6 ~~of entities thereof.]~~

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

PART III

11 SECTION 3. Section 78-23, Hawaii Revised Statutes, is
 12 amended by amending subsection (c) to read as follows:

13 "(c) Upon discharge, an employee shall be entitled to all
 14 of the employee's accumulated vacation allowance plus the
 15 employee's current accrued vacation allowance up to and
 16 including the date of discharge, notwithstanding that the
 17 current accrued vacation allowance may not have been recorded at
 18 the time. If any employee dies with accumulated or current
 19 accrued vacation earned but not taken, an amount equal to the
 20 value of the employee's pay over the period of [~~such~~] the earned
 21 vacation, and any earned and unpaid wages, shall be paid to the



1 person or persons who may have been designated as the
 2 beneficiary or beneficiaries by the employee during the
 3 employee's lifetime in a [~~verified written or~~] statement,
 4 including an electronic statement filed with the comptroller or
 5 other disbursing officer who issues warrants or checks to pay
 6 the employee for the employee's services as a public employee,
 7 or with the department in which the employee was employed, or,
 8 failing the designation, to the employee's estate."

9 PART IV

10 SECTION 4. There is appropriated out of the general
 11 revenues of the State of Hawaii the sum of \$ or so
 12 much thereof as may be necessary for fiscal year 2021-2022 and
 13 the same sum or so much thereof as may be necessary for fiscal
 14 year 2022-2023 for the purposes of this Act.

15 The sums appropriated shall be expended by the department
 16 of human resources development for the purposes of this Act.

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

20 SECTION 6. Statutory material to be repealed is bracketed
 21 and stricken. New statutory material is underscored.



1 SECTION 7. This Act shall take effect on July 1, 2050.



Report Title:

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

Description:

Requires each state government branch, and authorizes each county, to establish a shared leave program for state employees. Precludes state government branches and applicable counties from prohibiting leave sharing between employees of different departments or bargaining units because of administrative infeasibility. Allows a public employee to designate beneficiaries to the employee's unpaid vacation allowance and wages through a statement that is not verified or written. Appropriates funds. Effective 7/1/2050. (SD2)

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