
A BILL FOR AN ACT

RELATING TO EMPLOYMENT.

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

1 SECTION 1. The legislature finds that the ongoing
2 coronavirus disease 2019 pandemic has profoundly impacted women
3 and their ability to support themselves and their families.
4 Women have experienced the majority of job losses since the
5 start of the pandemic, and child care center and school closures
6 have further undermined the ability of women to maintain paid
7 employment. According to the United States Department of Labor,
8 women left the job market at four times the rate of men in
9 September 2020. Between August and September 2020, 865,000
10 women dropped out of the United States workforce compared to
11 211,000 men. The New York Times has referred to the loss of
12 women from the workforce as a "shecession".

13 The legislature further finds that disruptions to the child
14 care and education system have required women to function
15 simultaneously as both an employee and a caregiver. The duality
16 of roles is more challenging now than ever. Working from home



1 is preferable to being forced out of the workforce en masse due
2 to strict return-to-office policies.

3 The legislature further finds that issues pertaining to
4 employee working conditions have historically been subject to
5 collective bargaining negotiations between the employer and the
6 exclusive bargaining representative. Since 2010, the department
7 of human resources development has had a memoranda of
8 understanding with the Hawaii government employees association
9 that allows for teleworking and alternative work weeks; however,
10 this does not authorize primary care during work hours for a
11 child or children, elderly, ill or disabled person or a person
12 who requires significant care as a valid reason to telework.

13 When Hawaii public schools closed their doors in mid-March
14 2020, thrusting its educational responsibilities onto parents,
15 women overwhelmingly performed these additional tasks. Child
16 care centers also closed for all but essential employees. As
17 schools and child care programs reopen with reduced capacities,
18 many women and families are left with no choice but to continue
19 working and caregiving at the same time. In response, the
20 department of human resources development created and



1 implemented interim guidelines to expand permitted allowances
2 for certain state employees to telework.

3 According to the department of human resources development,
4 to date, many employers are allowing their employees to telework
5 due to this ongoing caregiving challenge. The state office of
6 planning, in partnership with the department of human resources
7 development, office of enterprise technology services, and city
8 and county of Honolulu, is surveying state and city workers on
9 Oahu on their recent teleworking experience through its "Work
10 Where You Live" project, to develop recommendations to improve
11 state and city telecommuting and telework policies. The
12 legislature believes that there is value in establishing
13 telework and alternative work schedule policies and procedures
14 prior to any collective bargaining agreements regarding
15 teleworking and alternative work schedules between the employer
16 and the exclusive employee representative.

17 Accordingly, the purpose of this Act is to direct the
18 department of human resources development to convene a working
19 group of stakeholders comprised of executive branch departments
20 and affected exclusive bargaining representatives to:



- 1 (1) Update and create policies and procedures relating to
- 2 telework and alternative work schedules to address the
- 3 caregiving and other needs of state employees; and
- 4 (2) Submit a report of its findings and recommendations,
- 5 including any proposed legislation and specific budget
- 6 requests, to the legislature no later than twenty days
- 7 prior to the convening of the regular session of 2022.

8 SECTION 2. (a) The department of human resources
9 development shall establish a telework and alternative work
10 schedules policy working group to update and create existing and
11 new policies and procedures relating to telework and alternative
12 work schedules to address the caregiving responsibilities and
13 other needs of state employees.

14 (b) The telework and alternative work schedules policy
15 working group shall:

- 16 (1) Update the June 2, 2010, telework program guidelines
- 17 to include caregiving as a valid reason to telework
- 18 pursuant to the interim telework guidelines
- 19 established June 18, 2020;



- 1 (2) Establish telework and alternative work schedule
- 2 policies and procedures pursuant to subsection c of
- 3 this Act;
- 4 (3) Identify types of employees eligible for telework or
- 5 an alternative work schedule;
- 6 (4) Identify the broad categories of positions determined
- 7 to be ineligible for telework or an alternative work
- 8 schedule, and provide a justification for their
- 9 ineligibility;
- 10 (5) Identify the use of alternative work locations from
- 11 which to telework;
- 12 (6) Promote the benefits of telework and alternative work
- 13 schedules; and
- 14 (7) Where feasible, promote the use of state information
- 15 technology assets.
- 16 (c) Each state department and agency shall cooperate with
- 17 the telework and alternative work schedules policy working group
- 18 in providing the information and data necessary for the telework
- 19 and alternative work schedules policy working group to establish
- 20 telework and alternative work schedule policies and procedures.



1 (d) The members of the telework and alternative work
2 schedules policy working group shall serve without compensation
3 but shall be reimbursed for reasonable expenses, including
4 travel expenses, consulting fees, and administrative expenses
5 such as photocopying, postage, stationery, and office supplies
6 incidental to the performance of their duties.

7 SECTION 3. The department of human resources development
8 shall submit a report on its proposed telework and alternative
9 work schedule policies and procedures, including any
10 recommendations on proposed legislation or specific budget
11 requests, to the legislature no later than twenty days prior to
12 the convening of the regular session of 2022.

13 SECTION 4. This Act shall take effect on July 1, 2021, and
14 shall be repealed after the submittal of the report to the
15 legislature in accordance with section 3 of this Act.



Report Title:

Telework; Department of Human Resources Development; Working Group; Report

Description:

Directs the department of human resources development to convene a working group of stakeholders to update and create policies and procedures relating to telework and alternative work schedules to address the caregiving responsibilities and other needs of state employees and submit a report on its proposed telework and alternative work schedule policies and procedures, including any recommendations on proposed legislation or specific budget requests, to the legislature no later than twenty days prior to the convening of the regular session of 2022. (SD1)

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