
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 are subject to collective bargaining
5 negotiations between the employer and the exclusive bargaining
6 representative. Since 2010, the department of human resources
7 development has had memoranda of understanding with the Hawaii
8 government employees association that allow for teleworking and
9 alternative work weeks. However, these memoranda of
10 understanding do not authorize primary care during work hours
11 for a child or children, elderly, ill or disabled person, or a
12 person who requires significant care as a valid reason to
13 telework.

14 When Hawaii public schools closed their doors in mid-March
15 2020, thrusting its educational responsibilities onto parents,
16 women overwhelmingly performed these additional tasks. Child
17 care centers also closed for all but essential employees. As
18 schools and child care programs reopen with reduced capacities,
19 many women and families are left with no choice but to continue
20 working and caregiving at the same time. In response, the
21 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.

12 Accordingly, the purpose of this Act is to direct the
13 department of human resources development to convene a working
14 group of stakeholders that comprises executive branch
15 departments and affected exclusive bargaining representatives
16 to:

17 (1) Review and make recommendations on policies and
18 procedures relating to telework and alternative work
19 schedules to address the caregiving responsibilities
20 and other needs of state employees; and



1 (2) Submit a report of its findings and recommendations,
2 including any proposed legislation and specific budget
3 requests, to the legislature no later than twenty days
4 prior to the convening of the regular session of 2022.

5 SECTION 2. (a) The department of human resources
6 development shall establish a telework and alternative work
7 schedules policy working group to review and make
8 recommendations on existing and new policies and procedures
9 relating to telework and alternative work schedules to address
10 the caregiving responsibilities and other needs of state
11 employees.

12 (b) The telework and alternative work schedules policy
13 working group shall:

14 (1) Review and make recommendations on the June 2, 2010,
15 telework program guidelines to include caregiving as a
16 valid reason to telework, pursuant to the interim
17 telework guidelines established June 18, 2020;

18 (2) Identify types of employees eligible for telework or
19 an alternative work schedule;

20 (3) Identify the broad categories of positions determined
21 to be ineligible for telework or an alternative work



1 schedule, and provide a justification for their
2 ineligibility;

3 (4) Identify the use of alternative work locations from
4 which to telework;

5 (5) Promote the benefits of telework and alternative work
6 schedules; and

7 (6) Where feasible, promote the use of state information
8 technology assets.

9 (c) Each state department and agency shall cooperate with
10 the telework and alternative work schedules policy working group
11 in providing the information and data necessary for the telework
12 and alternative work schedules policy working group to consider
13 telework and alternative work schedule policies and procedures.

14 (d) The members of the telework and alternative work
15 schedules policy working group shall serve without compensation
16 but shall be reimbursed for reasonable expenses, including
17 travel expenses, consulting fees, and administrative expenses
18 such as photocopying, postage, stationery, and office supplies
19 incidental to the performance of their duties.

20 (e) The working group shall cease to exist on June 30,
21 2022.



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

7 SECTION 4. (a) All state departments shall adopt,
8 implement, and update emergency telework policies in conformity
9 with the interim guidance issued by the department of human
10 resources development in March 2020, as amended, regarding the
11 authorization for state employees to telework while caregiving.

12 (b) The emergency telework policies shall remain in effect
13 until:

14 (1) The expiration of the last "proclamation related to
15 the COVID-19 emergency" by the governor, or similar
16 proclamation; or

17 (2) Adoption of the telework and alternative work schedule
18 policies and procedures submitted pursuant to section
19 3,
20 whichever occurs first.

21 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

DHRD; Telework; 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 20 days prior to the convening of the Regular Session of 2022. Requires departments to adopt Department of Human Resources Development policies that permit state employees to telework while caregiving during the COVID-19 pandemic. Effective 7/1/2050. (SD2)

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

