
A BILL FOR AN ACT

RELATING TO PANDEMIC LEAVE.

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

1 SECTION 1. The legislature finds that while the department
2 of health has provided certain recommendations regarding COVID-
3 19 exposure and quarantine, there are no guidelines for
4 employers as to how an employee's wages, benefits, and leave are
5 handled. This has created an issue for individuals who have
6 been exposed, but tested negative, and wish to return to work
7 but cannot due to their employer's insistence that they remain
8 in quarantine. The legislature further finds that it has become
9 necessary to prohibit certain unfair practices with employee
10 leave due to possible COVID-19 exposure. While there is no
11 inherently unfair issue with an employer requiring an employee
12 to remain in quarantine, an employee who is not sick and tests
13 negative should not be penalized by being forced to use their
14 sick leave for their employer's demand.

15 The purpose of this Act is to require an employer to
16 provide to an employee paid leave when the employer requires the
17 employee to stay home from work or prohibits the employee from



1 returning to work because of the employee's exposure to a person
2 who tested positive for COVID-19; provided that the employee
3 submits to a COVID-19 test within three days of being notified
4 of the exposure, the results of which are negative.

5 SECTION 2. The Hawaii Revised Statutes is amended by
6 adding a new chapter to be appropriately designated and to read
7 as follows:

8 **"CHAPTER**

9 **PANDEMIC LEAVE**

10 **§ -1 Definitions.** As used in this chapter:

11 "COVID-19" means coronavirus disease 2019, including any of
12 its variants.

13 "Employee" means a person who may be permitted, required,
14 or directed by an employer for wages or pay to engage in any
15 employment and who has been employed by that employer for at
16 least one month immediately preceding the commencement of leave
17 provided under this chapter.

18 "Employee benefits" means all benefits, other than salary
19 and wages, provided or made available to an employee by an
20 employer and includes group life insurance, health insurance,



1 disability insurance, and pensions, regardless of whether
2 benefits are provided by a policy or practice of an employer.

3 "Employer" means any private:

4 (1) Person;

5 (2) Partnership;

6 (3) Corporation;

7 (4) Association; or

8 (5) Other business entity,

9 that employs or more employees.

10 § -2 **Inapplicability.** This chapter shall not apply to
11 any leave of absence provided to any public employee required to
12 stay home from work or prohibited from returning to work because
13 of COVID-19 exposure pursuant to section 78- .

14 § -3 **Leave requirement.** (a) An employer shall provide
15 to an employee paid leave when the employer requires the
16 employee to stay home from work or prohibits the employee from
17 returning to work because of the employee's exposure to a person
18 who tested positive for COVID-19; provided that the employee
19 submits to a COVID-19 test within three days of being notified
20 of the exposure, the results of which are negative; provided



1 further that the employee shall submit written verification to
2 the employer of the negative test result.

3 (b) Any period of time during which an employee is
4 required to be absent from work pursuant to this section shall
5 not constitute a break in the employee's continuous service for
6 the purpose of the employee's right to salary adjustments, sick
7 leave, vacation, annual leave, or seniority. During any period
8 that an employee is out from work pursuant to subsection (a),
9 the employer shall maintain and pay for coverage under a group
10 health plan, as defined in section 5000(b) of the Internal
11 Revenue Code of 1986, as amended, for the full duration of the
12 absence, in the same manner as the coverage would have been
13 maintained if the employee had been actively at work during the
14 period of absence.

15 (c) This chapter shall not affect the obligation of an
16 employer to comply with any collective bargaining agreement or
17 employee benefit plan that provides greater leave rights to
18 employees than the rights provided under this chapter.

19 (d) Notwithstanding any other provision to the contrary,
20 paid leave provided pursuant to this section shall not be taken
21 concurrently with any leave taken pursuant to the federal Family



1 and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) or
2 chapter 398.

3 (e) Paid leave provided pursuant to this section may be
4 taken in one or more periods.

5 § -4 **Restoration of employment.** An employer, upon
6 expiration of the paid leave authorized by this chapter, shall
7 restore an employee to the position held by the employee when
8 the leave began or to a position with equivalent seniority
9 status, employee benefits, pay, and other terms and conditions
10 of employment. An employer may decline to restore an employee
11 as required in this section because of conditions unrelated to
12 the employee's exercise of rights under this chapter.

13 § -5 **Employee rights.** (a) An employer shall not
14 interfere with, restrain, or deny the exercise of, or an attempt
15 to exercise, a right established by this chapter.

16 (b) An employer shall not discharge, fine, suspend, expel,
17 discipline, or in any other manner discriminate against an
18 employee who:

19 (1) Exercises a right provided under this chapter; or

20 (2) Opposes a practice made unlawful by this chapter.



H.B. NO. 2501

1 § -6 Civil action. An employee may bring a civil action
2 to enforce this chapter. The court may enjoin any act or
3 practice that violates this chapter and may order any equitable
4 relief necessary and appropriate to redress the violation or to
5 enforce this chapter."

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

7

INTRODUCED BY: _____



JAN 26 2022



H.B. NO. 2501

Report Title:

Pandemic Leave; COVID-19 Exposure; Employees

Description:

Provides for paid leave for certain employees required to stay home from work or prohibited from returning to work because of COVID-19 exposure who submit to a test within three days of being notified of the exposure and receive negative test results.

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