
HOUSE RESOLUTION

REQUESTING STATE AGENCIES TO OFFER REINSTATEMENT WITH BACK PAY TO EMPLOYEES WHO WERE DISMISSED OR RESIGNED FROM EMPLOYMENT FOR NON-COMPLIANCE WITH VACCINATION OR TESTING MANDATES DURING THE CORONAVIRUS DISEASE 2019 PANDEMIC.

1 WHEREAS, in August 2021, the Governor issued an emergency
2 proclamation that required public employees to either attest to
3 being vaccinated against the coronavirus disease 2019 or agree
4 to be tested regularly for the presence of the SARS-CoV-2 virus;
5 and

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7 WHEREAS, public employees who did not comply with the
8 requirements of the emergency proclamation faced disciplinary
9 action, including termination from employment; and

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11 WHEREAS, other agencies in the State not under the
12 Governor's control also issued policies requiring employees to
13 be fully vaccinated or tested regularly; and

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15 WHEREAS, any medical decision is a personal choice; and

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17 WHEREAS, due to changes in the labor market during the
18 coronavirus disease 2019 pandemic, the number of job vacancies
19 across all state agencies has increased sharply; and

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21 WHEREAS, currently, there are thousands of vacant public
22 sector jobs across the State; and

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24 WHEREAS, state agencies have faced difficulties recruiting
25 individuals to fill these vacant positions; and

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27 WHEREAS, some businesses in the State that previously
28 implemented vaccination mandates have since offered former
29 employees who resigned or were terminated from their positions
30 due to noncompliance the option to return to their jobs; now,
31 therefore,

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33 BE IT RESOLVED by the House of Representatives of the
34 Thirty-second Legislature of the State of Hawaii, Regular



1 Session of 2023, that each state agency is requested to offer
2 any person who resigned or was dismissed from employment with
3 the state agency:

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5 (1) While any proclamation, order, or policy was in effect
6 that required, as a condition of continuing
7 employment, vaccination against COVID-19 or regular
8 testing for the presence of the SARS-CoV-2 virus as an
9 alternative to vaccination; and

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11 (2) Solely because the person did not comply or did not
12 wish to comply with the terms of the proclamation,
13 order, or policy described in paragraph (1),

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15 the option to be reinstated, with back pay, to the position that
16 the person held prior to their termination or an equivalent
17 position if the person's position is no longer available; and

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19 BE IT FURTHER RESOLVED that certified copies of this
20 Resolution be transmitted to the Governor, head of each
21 principal state department, Chief Justice, and Chairperson of
22 the Board of Trustees of the Office of Hawaiian Affairs.

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OFFERED BY: 
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