
A BILL FOR AN ACT

RELATING TO PUBLIC EMPLOYMENT.

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

1 SECTION 1. (a) Notwithstanding any law to the contrary,
2 no later than ninety days after the effective date of this Act,
3 every state agency shall offer a former employee who resigned or
4 was dismissed from employment with a state agency:

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

10 (2) Solely because the person did not comply or did not
11 wish to comply with the terms of the proclamation,
12 order, or policy described in paragraph (1),
13 the option to be reinstated, with back pay, to the position that
14 the former employee held prior to the former employee's
15 termination.

16 (b) If the former employee's former position is not
17 available, the state agency shall offer the former employee:



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1 (1) Employment in an available equivalent position with
2 equivalent employment benefits, pay, and other terms
3 and conditions of employment; and

4 (2) Back pay based upon the position the former employee
5 held prior to the former employee's termination.

6 (c) As used in this section:

7 "COVID-19" means the coronavirus disease 2019.

8 "State agency" means any state agency within the executive,
9 legislative, or judicial branch or the office of Hawaiian
10 affairs, including the department of education and the
11 university of Hawaii.

12 SECTION 2. This Act shall take effect upon its approval.

13

INTRODUCED BY:  _____

JAN 13 2023



H.B. NO. 52

Report Title:

Public Employment; Employees; COVID-19; Vaccination Policies; Emergency Proclamation; Reinstatement

Description:

Requires state agencies to offer individuals who resigned or were dismissed from employment for not complying with vaccination or testing requirements the option to be reinstated, with back pay, to the position that person held prior to their termination.

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