

A BILL FOR AN ACT

RELATING TO PAID FAMILY LEAVE.

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

PART I

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER

PAID FAMILY AND MEDICAL LEAVE

§ -1 **Definitions.** As used in this chapter, unless the context clearly requires otherwise:

"Application year" means the twelve-month period beginning on the first day of the calendar week in which an individual files an application for family and medical leave insurance benefits.

"Covered individual" means:

(1) Any person who:

(A) Has been working for an employer for at least fourteen weeks during each of which the individual has received remuneration in any form



for twenty or more hours and earned wages of at least \$400, during the fifty-two weeks immediately prior to paid leave granted under this chapter; or

(B) Is self-employed, elects coverage, and meets the requirements of section -13;

(2) Meets the administrative requirements outlined in this chapter and in rules adopted thereunder; and

(3) Submits an application.

"Department" means the department of labor and industrial relations.

"Director" means the director of labor and industrial relations.

"Domestic partner" means a person at least eighteen years of age who:

(1) Is dependent upon the covered individual for support as shown by either unilateral dependence or mutual interdependence that is evidenced by a nexus of factors including but not limited to:

(A) Common ownership of real or personal property;

(B) Common householding;



(C) Children in common;

(D) Signs of intent to marry;

(E) Shared budgeting; and

(F) The length of the personal relationship with the covered individual; or

(2) Has registered as the domestic partner of the covered individual with any registry of domestic partnerships maintained by the employer of either party, or in any state, county, city, town, or village in the United States.

"Employee" includes any individual employed by an employer.

"Employer" shall have the same meaning as that term is defined in section 387-1; provided that "employer" shall include the State or counties or any political subdivision thereof.

"Family leave" means leave taken pursuant to section 2(a).

"Family leave insurance benefits" means the benefits provided under the terms of this chapter to a covered individual while the covered individual is on family leave.

"Family member" means:



1 (1) A biological, adopted or foster child, stepchild or
2 legal ward, a child of a domestic partner, or a child
3 to whom the covered individual stands in loco
4 parentis;

5 (2) A biological, adoptive or foster parent, stepparent or
6 legal guardian of a covered individual or a covered
7 individual's spouse or domestic partner or a person
8 who stood in loco parentis when the covered individual
9 or the covered individual's spouse or domestic partner
10 was a minor child;

11 (3) A person to whom the covered individual is legally
12 married under the laws of any state, or a domestic
13 partner of a covered individual; or

14 (4) A grandparent, grandchild or sibling (whether a
15 biological, foster, adoptive or step relationship) of
16 the covered individual or the covered individual's
17 spouse or domestic partner.

18 "Health care provider" means any person licensed under
19 federal or state law to provide medical or emergency services,
20 including but not limited to doctors, nurses, and emergency room
21 personnel, or certified midwives.



1 "Medical leave" means leave taken pursuant to section -
2 2(b).

3 "Medical leave insurance benefits" means the benefits
4 provided under the terms of this chapter to a covered individual
5 while the covered individual is on medical leave.

6 "Next of kin" shall have the same meaning as that term is
7 defined in section 101(17) of the federal Family and Medical
8 Leave Act (29 U.S.C. 2611(17)).

9 "Qualifying exigency" means leave based on a need arising
10 out of a covered individual's family member's active duty
11 service or notice of an impending call or order to active duty
12 in the armed forces, including but not limited to providing for
13 the care or other needs of the military member's child or other
14 family member, making financial or legal arrangements for the
15 military member, attending counseling, attending military events
16 or ceremonies, spending time with the military member during a
17 rest and recuperation leave or following return from deployment,
18 or making arrangements following the death of the military
19 member.

20 "Qualifying service member" means:



- 1 (1) A member of the armed forces, including a member of
2 the national guard or reserves, who is:
3 (A) Undergoing medical treatment, recuperation, or
4 therapy;
5 (B) Otherwise in outpatient status; or
6 (C) Is otherwise on the temporary disability retired
7 list for a serious injury or illness that was
8 incurred by the member in the line of duty on
9 active duty in the armed forces, or a serious
10 injury or illness that existed before the
11 beginning of the member's active duty and was
12 aggravated by service in the line of duty on
13 active duty in the armed forces; or
14 (2) A former member of the armed forces, including a
15 former member of the national guard or reserves, who
16 is undergoing medical treatment, recuperation, or
17 therapy for a serious injury or illness that was
18 incurred by the member in line of duty on active duty
19 in the armed forces, or a serious injury or illness
20 that existed before the beginning of the member's
21 active duty and was aggravated by service in line of



1 duty on active duty in the armed forces and manifested
2 before or after the member was discharged or released
3 from service.

4 "Retaliatory personnel action" means denial of any right
5 guaranteed under this chapter, including but not limited to any
6 threat, discharge, suspension, demotion, reduction of hours, any
7 other adverse action against an employee for the exercise of any
8 right guaranteed in this chapter, or reporting or threatening to
9 report an employee's suspected citizenship or immigration status
10 or the suspected citizenship or immigration status of a family
11 member of the employee to a federal or state agency.

12 "Retaliatory personnel action" includes interference with or
13 punishment for, in any manner, participating in or assisting an
14 investigation, proceeding, or hearing under this chapter.

15 "Serious health condition" is an illness, injury,
16 impairment, pregnancy, recovery from childbirth, organ donation,
17 termination of pregnancy, or physical or mental condition that
18 involves inpatient care in a hospital, hospice, or residential
19 medical care facility, or continuing treatment by a health care
20 provider.



1 "State average weekly wage" shall have the same meaning as
2 that term is defined in section 386-1.

3 § -2 **Eligibility of benefits.** (a) Beginning January 1,
4 2029, family leave insurance benefits shall be payable to an
5 individual who:

6 (1) Qualifies as a covered individual; and

7 (2) Meets one of the following requirements:

8 (A) Because of birth, adoption, or placement through
9 foster care, is caring for a new child during the
10 first year after the birth, adoption, or
11 placement;

12 (B) Is caring for a family member with a serious
13 health condition;

14 (C) Is caring for a qualifying service member who is
15 the individual's next of kin;

16 (D) Is a victim of domestic abuse, sexual assault, or
17 stalking who needs leave for medical attention;
18 mental health care or other counseling; victim
19 services, including legal services; court
20 appearances; or relocation for themselves or a
21 family member; or



(E) Has a qualifying exigency.

(b) Beginning January 1, 2029, medical leave insurance benefits shall be payable to an individual who:

(1) Qualifies as a covered individual; and

(2) Has a serious health condition that makes the covered individual unable to perform the functions of the covered individual's position, except accident or disease connected with or resulting from employment as defined in section 386-3 or any other applicable workers' compensation law.

§ -3 Duration of benefits. (a) The maximum number of weeks during which family leave insurance benefits are payable in an application year shall be twelve weeks.

(b) The maximum number of weeks during which medical leave insurance benefits are payable in an application year shall be twenty-six weeks.

(c) The first payment of benefits shall be made to a covered individual within two weeks after the family leave begins and subsequent payments shall be made every two weeks thereafter.



(d) Claims may be filed up to forty-five days in advance of the family leave, if anticipation of the family leave is possible.

§ -4 Amount of benefits. (a) Subject to the maximum weekly benefit amount pursuant to subsection (b), the weekly benefit shall be calculated by adding the amounts obtained by applying the following percentage to a covered individual's average weekly wage during the twelve months preceding submission of the application or the average weekly wage during the time the covered individual worked, if less than twelve months:

(1) Ninety per cent of wages that are equal to or less than fifty per cent of the state's average weekly wage;

(2) Sixty-six per cent of wages that exceed fifty per cent of the state's average weekly wage but is not more than one hundred per cent; and

(3) Fifty-five per cent of wages that exceed one hundred per cent of the state's average weekly wage.

(b) In no case shall the weekly benefit amount exceed the state average weekly wage.



1 (c) Family and medical leave insurance benefits shall not
2 be payable for less than eight hours of family and medical leave
3 taken in one work week.

4 § -5 Contributions. (a) Payroll contributions shall be
5 authorized in order to finance the payment of benefits under and
6 for administration and operation of the family and medical leave
7 insurance program.

8 (b) Beginning January 1, 2028, payroll contributions shall
9 be paid by employers and employees in an amount to be determined
10 by the department, based on a per cent of employee wages. The
11 department shall be responsible for evaluating and determining
12 on an annual basis the amount of payroll contributions necessary
13 to finance the family and medical leave insurance benefits
14 program.

15 (c) An employer may deduct and withhold contributions from
16 each employee of up to fifty per cent of the amount of payroll
17 contribution determined by the department.

18 (d) An employer with five or more employees shall remit
19 one hundred per cent of the amount of payroll contribution
20 determined by the department to the family and medical leave
21 trust fund.



1 (e) An employer with fewer than five employees shall remit
2 fifty per cent of the amount of payroll contribution determined
3 by the department to the family and medical leave trust fund.

4 (f) A self-employed individual who is electing coverage
5 under section -13 shall remit fifty per cent of the amount of
6 payroll contribution determined by the department to the family
7 and medical leave trust fund.

8 § -6 **Reduced leave schedule.** (a) A covered individual
9 shall be entitled, at the option of the covered individual, to
10 take paid family and medical leave on an intermittent or reduced
11 leave schedule in which all of the leave authorized under this
12 chapter is not taken sequentially. Family and medical leave
13 insurance benefits for intermittent or reduced leave schedules
14 shall be prorated.

15 (b) The covered individual shall provide the employer with
16 prior notice of the schedule on which the covered individual
17 will be taking the leave, to the extent practicable. Paid
18 family and medical leave taken under this section shall not
19 result in a reduction of the total amount of leave to which an
20 employee is entitled beyond the amount of leave actually taken.



1 (c) Nothing in this section shall be construed to entitle
2 a covered individual to more leave than allowed under
3 section -3.

4 § -7 **Leave and employment protection.** (a) Any covered
5 individual who exercises the covered individual's right to
6 family and medical leave insurance benefits shall, upon the
7 expiration of that leave, be entitled to be restored by the
8 employer to the position held by the covered individual when the
9 leave commenced, or to a position with equivalent seniority,
10 status, employment benefits, pay, and other terms and conditions
11 of employment, including but not limited to fringe benefits and
12 service credits that the covered individual had been entitled to
13 at the commencement of leave; provided that job duties and hours
14 in the new position need not be identical to the previously-held
15 position, but the employer shall make a reasonable effort to
16 make them similar, at the employee's request.

17 (b) During any leave taken pursuant to section -2, the
18 employer shall maintain any health care benefits the covered
19 individual had prior to taking such leave for the duration of
20 the leave as if the covered individual had continued in
21 employment continuously from the date the covered individual



1 commenced the leave until the date the family and medical leave
2 insurance benefits terminate; provided that the covered
3 individual shall continue to pay the covered individual's share
4 of the cost of health benefits as required prior to the
5 commencement of the leave.

6 (c) This section shall be enforced as provided in
7 chapter 398.

8 § -8 Retaliatory personnel actions prohibited. (a) It
9 shall be unlawful for an employer or any other person to
10 interfere with, restrain, or deny the exercise of, or the
11 attempt to exercise, any right protected under this chapter.

12 (b) An employer, temporary help company, employment
13 agency, employee organization, or other person shall not take
14 retaliatory personnel action or otherwise discriminate against a
15 person because the person exercised rights protected under this
16 chapter. These rights include but are not limited to the right
17 to request, file for, apply for, or use benefits or leave
18 provided for under this chapter; communicate to the employer or
19 any other person or entity an intent to file a claim, a
20 complaint with the department or courts, or an appeal; testify,
21 plan to testify, or assist in any investigation, hearing, or



1 proceeding under this chapter, at any time, including during the
2 period in which the person receives family and medical leave
3 insurance benefits under this chapter; inform any person about
4 any employer's alleged violation of this chapter; and inform any
5 other person of the other person's rights under this chapter.

6 (c) It shall be unlawful for an employer's absence control
7 policy to count paid family and medical leave taken under this
8 chapter as an absence that may lead to or result in discipline,
9 discharge, demotion, suspension, or any other adverse action.

10 (d) Protections of this section shall apply to any person
11 who mistakenly, but in good faith, alleges violations of this
12 chapter.

13 (e) This section shall be enforced as provided in
14 chapter 398.

15 **§ -9 Coordination of benefits.** (a) Leave taken with
16 wage replacement under this chapter that also qualifies as leave
17 under the federal Family and Medical Leave Act or chapter 398
18 shall run concurrently with leave taken under the federal Family
19 and Medical Leave Act or chapter 398.

20 (b) An employer may require that payment made pursuant to
21 this chapter be made concurrently or otherwise coordinated with



1 payment made or leave allowed under the terms of disability or
2 family care leave under a collective bargaining agreement or
3 employer policy. The employer shall give employees written
4 notice of this requirement.

5 (c) This chapter does not diminish an employer's
6 obligation to comply with any of the following that provide more
7 generous leave:

- 8 (1) A collective bargaining agreement;
9 (2) An employer policy; or
10 (3) Any other law.

11 (d) An individual's right to leave under this chapter may
12 not be diminished by a collective bargaining agreement entered
13 into or renewed, or an employer policy adopted or retained,
14 after the effective date of this chapter. Any agreement by an
15 individual to waive the individual's rights under this chapter
16 is void as against public policy.

17 § -10 Notice. (a) Each employer shall provide written
18 notice to each employee upon hiring and annually thereafter. An
19 employer shall also provide written notice to an employee when
20 the employee requests leave under this chapter, or when the
21 employer acquires knowledge that an employee's leave may be for



a qualifying reason under section -2(a)(2). Such notice shall include:

- (1) The employee's right to family and medical leave insurance benefits under this chapter and the terms under which the benefits may be used;
 - (2) The amount of family and medical leave insurance benefits;
 - (3) The procedure for filing a claim for benefits;
 - (4) The procedure for selecting a designated person;
 - (5) The right to employment protection and benefits continuation under section -7;
 - (6) That discrimination and retaliatory personnel actions against a person for requesting, applying for, or using family and medical leave insurance benefits is prohibited under section -8; and
 - (7) That the employee has a right to file a complaint for violations of this chapter.
- (b) An employer shall display and maintain a poster in a conspicuous place accessible to employees at the employer's place of business that contains the information required by this section in English, Ilocano, Tagalog, Japanese, and any language



1 that is the first language spoken by at least five per cent of
2 the employer's workforce; provided that the notice has been
3 provided by the department. The director may adopt rules to
4 establish additional requirements concerning the means by which
5 employers shall provide such notice.

6 (c) Employees shall provide notice to their employers as
7 soon as practicable of their intention to take leave under this
8 chapter.

9 § -11 Appeals. (a) The director shall establish a
10 system for appeals in the case of a denial of family and medical
11 leave insurance benefits. In establishing the system, the
12 director may utilize any and all procedures and appeals
13 mechanisms established under section 383-38.

14 (b) Judicial review of any decision with respect to family
15 and medical leave insurance benefits shall be permitted in a
16 court of competent jurisdiction after an aggrieved party has
17 exhausted all administrative remedies established by the
18 director.

19 (c) The director shall implement procedures to ensure
20 confidentiality of all information related to any claims filed



1 or appeals taken to the maximum extent permitted by applicable
2 laws.

3 § -12 **Erroneous payments and disqualifications for**
4 **benefits.** (a) A covered individual shall be disqualified from
5 family and medical leave insurance benefits for one year if the
6 individual is determined by the director to have knowingly and
7 wilfully made a false statement or misrepresentation regarding a
8 material fact, or knowingly and wilfully failed to report a
9 material fact, to obtain benefits under this chapter.

10 (b) If family and medical leave insurance benefits are
11 paid erroneously or as a result of misrepresentation, or if a
12 claim for family and medical leave insurance benefits is
13 rejected after benefits are paid, the department may seek
14 repayment of benefits and penalties from the recipient. The
15 amount of penalty shall not be greater than one hundred fifty
16 per cent of the amount of benefits paid erroneously to the
17 recipient. The director shall exercise the director's
18 discretion to waive, in whole or in part, the amount of any
19 payments and penalties where the recovery would be against
20 equity and good conscience.



1 § **-13 Elective coverage.** (a) A self-employed person,
2 including a sole proprietor, partner, or joint venturer, may
3 elect coverage under this chapter for an initial period of not
4 less than three years. The self-employed person shall file a
5 notice of election in writing with the director, as required by
6 the department. The election shall become effective on the date
7 of filing the notice. As a condition of election, the self-
8 employed person shall agree to supply any information concerning
9 income that the department deems necessary.

10 (b) A self-employed person who has elected coverage may
11 withdraw from coverage within thirty days after the end of the
12 three-year period of coverage, or at other times as the director
13 may prescribe by rule, by filing written notice with the
14 director. The withdrawal shall take effect no sooner than
15 thirty days after filing the notice.

16 § **-14 Family and medical leave insurance program.** (a)
17 By January 1, 2028, the department shall establish and
18 administer a family and medical leave insurance program and
19 begin collecting contributions as specified in this chapter. By
20 January 1, 2029, the department shall begin receiving claims and



1 paying family and medical leave insurance benefits as specified
2 in this chapter.

3 (b) The department shall establish reasonable procedures
4 and forms for filing claims for benefits under this chapter and
5 shall specify the necessary supporting documentation to support
6 a claim for benefits, including any documentation required from
7 a health care provider for proof of a serious health condition
8 and any documentation required by the department to meet the
9 eligibility requirements for family leave.

10 (c) The department shall notify the employer within five
11 business days of a claim being filed pursuant to this chapter.

12 (d) The department shall use information sharing and
13 integration technology to facilitate the disclosure of relevant
14 information or records so long as the covered individual
15 consents to the disclosure as required under state law.

16 (e) Information contained in the files and records
17 pertaining to a covered individual under this chapter shall be
18 confidential and not open to public inspection, other than to
19 public employees in the performance of their official duties;
20 provided that the individual or an authorized representative of
21 an individual may review the records or receive specific



1 information from the records upon the presentation of the
2 individual's signed authorization.

3 (f) The director shall adopt rules as necessary to
4 implement this chapter.

5 § -15 **Federal income tax.** If the Internal Revenue
6 Service determines that family and medical leave insurance
7 benefits under this chapter are subject to federal income tax,
8 the department shall advise a covered individual filing a new
9 claim for family and medical leave insurance benefits, at the
10 time of filing the claim, that:

11 (1) The Internal Revenue Service has determined that
12 benefits are subject to federal income tax;

13 (2) Requirements exist pertaining to estimated tax
14 payments;

15 (3) The individual may elect to have federal income tax
16 deducted and withheld from the individual's payment of
17 benefits in the amount specified in the Internal
18 Revenue Code of 1986, as amended; and

19 (4) The individual is permitted to change a previously
20 elected withholding status.



1 § -16 **Family and medical leave trust fund.** (a) There
2 is established in the treasury of the State as a trust fund,
3 separate and apart from all public moneys or funds of the State,
4 a family and medical leave trust fund, which shall be
5 administered by the department exclusively for the purposes of
6 this chapter. All contributions pursuant to this chapter shall
7 be paid into the fund and all benefits payable pursuant to this
8 chapter shall be paid from the fund. All moneys in the fund
9 shall be mingled and undivided.

10 (b) Whenever in the judgment of the director of finance
11 there shall be in the trust fund an amount of funds in excess of
12 that amount deemed by the director of finance to be sufficient
13 to meet the current expenditures properly payable therefrom, the
14 director of finance shall have full power to invest, reinvest,
15 manage, contract, or sell or exchange investments acquired with
16 the excess funds in the manner prescribed by law.

17 (c) On January 1, 2027, or as soon as possible thereafter,
18 the director of finance shall transfer \$ from the
19 general fund to the family and medical leave trust fund for the
20 purpose of defraying expenses incurred by the department,
21 including hiring and employing personnel to perform functions



1 relating to the establishment and administration of the family
2 and medical leave trust fund, before the family and medical
3 leave trust fund receives payroll contributions.

4 (d) No later than December 31, 2030, the department shall
5 repay the loan of \$ received pursuant to subsection
6 (c).

7 § -17 **Reports.** Beginning January 1, 2030, the
8 department shall report to the legislature by April 1 of each
9 year on projected and actual program participation in the family
10 and medical leave insurance program and include the criteria
11 listed in section -2(a)(2), gender of beneficiary, premium
12 rates, fund balances, outreach efforts, and, for leaves taken
13 under section -2(a)(2)(B), family members for whom leave was
14 taken to provide care.

15 § -18 **Public education.** The department shall conduct a
16 public education campaign to inform employees and employers
17 regarding the availability of family and medical leave insurance
18 benefits. Outreach information shall be available in English,
19 Ilocano, Chuukese, Marshallese, Tagalog, Spanish, and other
20 languages spoken by more than five per cent of the students in
21 the department of education's English learner program.



1 **§ -19 Sharing technology.** The department may use state
2 data collection and technology to the extent possible and to
3 integrate the program with existing state policies.

4 § -20 **Severability.** If any provision of this chapter or
5 its application to any person or circumstance is held invalid,
6 the invalidity shall not affect other provisions or applications
7 of the chapter which can be given effect without the invalid
8 provision or application, and to this end the provisions of this
9 chapter are declared to be severable."

10 SECTION 2. The department shall adopt all rules necessary
11 for implementation of this part by January 1, 2027.

12 PART II

13 SECTION 3. Chapter 392, Hawaii Revised Statutes, is
14 repealed.

15 SECTION 4. Subpart B of part VI of chapter 378, Hawaii
16 Revised Statutes, is repealed.

17 PART III

18 SECTION 5. Section 41D-2, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 " (a) The comptroller, through the risk manager, shall:



- 1 (1) Have discretion to purchase casualty insurance for the
2 State or state agencies, including those employees of
3 the State who, in the comptroller's discretion, may be
4 at risk and shall be responsible for the acquisition
5 of all casualty insurance;
- 6 (2) Have discretion to purchase property insurance for the
7 State or state agencies and shall acquire all property
8 insurance;
- 9 (3) Direct and manage all risk management and insurance
10 programs of the State, except for employee benefits
11 insurance and workers' compensation insurance programs
12 or as otherwise provided in chapters 87A, 88, 383 to
13 386A, [392,] and 393;
- 14 (4) Consult with state agencies to determine what
15 property, casualty, and other insurance policies are
16 presently in force or are sought by the state agencies
17 and to make determinations about whether to continue
18 subscribing to insurance policies. In the event that
19 the risk manager's determination is not satisfactory
20 to the state agency, the state agency may have the
21 risk manager's decision reviewed by the comptroller.



1 In this case, the comptroller's decision shall be
2 final;

3 (5) Consolidate and combine state insurance coverages, and
4 purchase excess insurance when, in the comptroller's
5 discretion, it is appropriate to do so;

6 (6) Acquire risk management, investigative, claims
7 adjustment, actuarial, and other services, except
8 attorney's services, as may be required for the sound
9 administration of this chapter; provided that a broker
10 submitting a proposal in response to a fixed fee
11 solicitation by the comptroller pursuant to this
12 subsection and the broker's performance of the
13 activities in accordance with the proposal shall not
14 constitute a violation of sections 431:10-218,
15 431:13-102, and 431:13-103;

16 (7) Gather from all state agencies and maintain data
17 regarding the State's risks and casualty, property,
18 and fidelity losses;

19 (8) In conjunction with the attorney general and as
20 otherwise provided by this chapter, compromise or
21 settle claims cognizable under chapter 662;



(9) Provide technical services in risk management and insurance to state agencies;

(10) Be authorized to establish a captive insurance company pursuant to article 19 of chapter 431 to effectuate the purposes of this chapter; and

(11) Do all other things appropriate to the development of sound risk management practices and policies for the State."

SECTION 6. Section 103D-310, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) All offerors, upon award of contract, shall comply with all laws governing entities doing business in the State, including chapters 237, 383, 386, [~~392,~~] and 393. Offerors shall produce documents to the procuring officer to demonstrate compliance with this subsection. Any offeror making a false affirmation or certification under this subsection shall be suspended from further offerings or awards pursuant to section 103D-702. The procuring officer shall verify compliance with this subsection for all contracts awarded pursuant to sections 103D-302, 103D-303, 103D-304, and 103D-306, and for contracts and procurements of \$2,500 or more awarded pursuant to section



1 103D-305; provided that the attorney general may waive the
2 requirements of this subsection for contracts for legal services
3 if the attorney general certifies in writing that comparable
4 legal services are not available in this State."

5 SECTION 7. Section 393-3, Hawaii Revised Statutes, is
6 amended by amending the definition of "wages" to read as
7 follows:

8 ""Wages" means all remuneration for services from whatever
9 source, including commissions, bonuses, and tips and gratuities
10 paid directly to any individual by a customer of the
11 individual's employer, and the cash value of all remuneration in
12 any medium other than cash.

13 The director may issue [~~regulations~~] rules for the
14 reasonable determination of the cash value of remuneration in
15 any medium other than cash.

16 If the employee does not account to the employee's employer
17 for the tips and gratuities received and is engaged in an
18 occupation in which the employee customarily and regularly
19 receives more than \$20 a month in tips, the combined amount
20 received by the employee from the employee's employer and from
21 tips shall be deemed to be at least equal to the wage required



1 by chapter 387 or a greater sum as determined by regulation of
2 the director.

3 "Wages" does not include the amount of any payment
4 specified in section 383-11 [~~or 392-22~~] or chapter 386."

5 SECTION 8. Section 398-4, Hawaii Revised Statutes, is
6 amended by amending subsection (c) to read as follows:

7 "(c) An employer who provides sick leave for employees
8 shall permit an employee to use the employee's accrued and
9 available sick leave for purposes of this chapter; provided that
10 an employee shall not use more than ten days per year for this
11 purpose, unless an express provision of a valid collective
12 bargaining agreement authorizes the use of more than ten days of
13 sick leave for family leave purposes. [~~Nothing in this section
14 shall require an employer to diminish an employee's accrued and
15 available sick leave below the amount required pursuant to
16 section 392-41; provided that any sick leave in excess of the
17 minimum statutory equivalent for temporary disability benefits
18 as determined by the department may be used for purposes of this
19 chapter.]"~~

20 SECTION 9. Section 431:10-244, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "**§431:10-244 Filing procedure for contracts approved by**
2 **commissioner.** Each insurance contract requiring approval by the
3 commissioner pursuant to this code[~~, section 392-48,~~] or section
4 386-124 and each contract certified by the insurer to be in
5 conformity with this code shall be accompanied by a \$20 fee
6 payable to the commissioner, which shall be deposited into the
7 commissioner's education and training fund."

8 PART IV

9 SECTION 10. Chapter 378, Hawaii Revised Statutes, is
10 amended by amending the title of part VI, subpart C, to read as
11 follows:

12 "~~[C.]~~ **B. REASONABLE ACCOMMODATIONS IN THE WORKPLACE**"

13 SECTION 11. Section 378-71, Hawaii Revised Statutes, is
14 amended as follows:

15 1. By repealing the definition of "child".

16 [~~"Child" means an individual who is a biological, adopted,~~
17 ~~or foster son or daughter; a stepchild; or a legal ward of an~~
18 ~~employee."~~]

19 2. By repealing the definition of "course of conduct".

20 [~~"Course of conduct" means acts over any period of time of~~
21 ~~repeatedly maintaining a visual or physical proximity to a~~



~~person or conveying verbal or written threats, including threats conveyed through electronic communications or threats implied by conduct."]~~

3. By repealing the definition of "electronic communications".

~~["Electronic communications" includes communications via telephone, mobile phone, computer, e-mail, video recorder, fax machine, telex, or pager."]~~

4. By repealing the definition of "health care provider".

~~["Health care provider" means a physician as defined under section 386-1."]~~

PART V

SECTION 12. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 13. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.



1 SECTION 14. This Act shall take effect on July 1, 2025;
2 provided that parts II, III, and IV shall take effect on the
3 earlier of January 1, 2029, or the start of the department of
4 labor and industrial relations receiving claims and paying
5 family and medical leave insurance benefits as specified under
6 chapter .
7

INTRODUCED BY:

A handwritten signature in black ink, appearing to be "J. L. G.", written over a horizontal line.

JAN 17 2025



H.B. NO. 755

Report Title:

Keiki Caucus; Family and Medical Leave Insurance Program; Family and Medical Leave Insurance Benefits; Department of Labor and Industrial Relations

Description:

By 1/1/2028, requires the Department of Labor and Industrial Relations to establish a family and medical leave insurance program and begin collecting payroll contributions to finance payment of benefits. By 1/1/2029, requires the Department to start receiving claims and paying benefits under the program. Specifies eligibility requirements and employee protections under the program.

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

