
A BILL FOR AN ACT

RELATING TO MILITARY FAMILIES.

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

1 SECTION 1. The legislature finds that military families
2 face unique challenges stemming from the demands of military
3 life, including frequent relocations, short-notice deployments,
4 and other service-related obligations. These disruptions often
5 result in financial stress, food insecurity, and urgent needs
6 for time off from work to manage essential responsibilities such
7 as arranging childcare, attending military briefings, securing
8 legal and financial services, and ensuring continuity of care
9 for dependents.

10 The legislature further finds that Hawaii's family leave
11 law does not currently recognize qualifying exigencies
12 experienced by family members of military service members as a
13 permissible reason for family leave. Aligning Hawaii's family
14 leave law with the federal Family and Medical Leave Act, which
15 acknowledges such exigencies, will provide critical support and
16 reinforce the State's commitment to those who serve.

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1 Accordingly, the purpose of this Act is to strengthen
2 support for military families by expanding family leave
3 eligibility to include qualifying military exigencies.

4 SECTION 2. Section 398-1, Hawaii Revised Statutes, is
5 amended by adding one new definition to be appropriately
6 inserted and to read as follows:

7 "Qualifying military exigency" means a qualifying exigency
8 that is related to active duty service, as provided in title 29
9 Code of Federal Regulations section 825.126, by an employee's
10 child, spouse, reciprocal beneficiary, sibling, grandchild, or
11 parent in the United States Armed Forces."

12 SECTION 3. Section 398-3, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) An employee shall be entitled to a total of four
15 weeks of family leave during any calendar year:

16 (1) Upon the birth of a child of the employee or the
17 adoption of a child; ~~[or]~~

18 (2) To care for the employee's child, spouse, reciprocal
19 beneficiary, sibling, grandchild, or parent with a
20 serious health condition~~[or]~~; or

21 (3) For a qualifying military exigency."

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SECTION 4. Section 398-5, Hawaii Revised Statutes, is amended to read as follows:

"§398-5 Notice. In any case in which the necessity for family leave for purposes of birth or adoption of a child ~~[or]~~, providing care to a child, spouse, reciprocal beneficiary, sibling, or parent, or qualifying military exigency is foreseeable, the employee shall provide the employer with prior notice of the expected birth or adoption ~~[or]~~, serious health condition, or qualifying military exigency in a manner that is reasonable and practicable. Requests for family leave shall include evidence that the employee has submitted the request and provided required data in accordance with section 398-9.5."

SECTION 5. Section 398-6, Hawaii Revised Statutes, is amended to read as follows:

"§398-6 Certification. (a) An employer may require that a claim for family leave be supported by written certification.

(b) For the birth of a child, certification shall be issued by a health care provider or the family court. For the placement of a child for adoption with the employee, certification shall be issued by a recognized adoption agency, the attorney handling the adoption, or by the individual

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officially designated by the birth parent to select and approve the adoptive family.

(c) When leave is to care for a child, spouse, reciprocal beneficiary, sibling, grandchild, or parent who has a serious health condition, certification shall be issued by the health care provider of the individual requiring care. Certification shall be considered sufficient if it provides information as required by the director.

(d) When leave is for a qualifying military exigency, documentation shall include a copy of official military orders."

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

INTRODUCED BY:



BY REQUEST

JAN 26 2026

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Report Title:

Military Families; Family Leave; Qualifying Military Exigency

Description:

Authorizes an eligible employee to take family leave for a qualifying military exigency under state law.

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

JUSTIFICATION SHEET

DEPARTMENT: Business, Economic Development, and Tourism

TITLE: A BILL FOR AN ACT RELATING TO MILITARY FAMILIES.

PURPOSE: To authorize an eligible employee to take family leave for a qualifying military exigency under state law.

MEANS: Amend sections 398-1, 398-3(a), 398-5, and 398-6, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Hawaii's family leave law currently offers limited support to military families, despite their significant contributions and unique challenges.

Chapter 398, HRS (Family Leave), does not currently address military exigencies, which often require immediate attention to critical family matters. Providing authorized time-off for family members of active-duty military service members for qualifying military exigencies would align Hawaii's family leave laws with the Family and Medical Leave Act and ensure families can respond effectively to short-notice military obligations.

Impact on the public: The bill will improve overall economic well-being of our communities while allowing military families to manage the stress and complexity of military life.

Impact on the department and other agencies: The Department of Human Resources Development will be required to update existing leave policies. The Department of Labor and Industrial Relations will be required to amend administrative rules.

GENERAL FUND: None.

OTHER FUNDS: None.

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PPBS PROGRAM
DESIGNATION:

BED-142.

OTHER AFFECTED
AGENCIES:

Department of Human Resources Development;
Department of Labor and Industrial
Relations.

EFFECTIVE DATE:

Upon approval.