

JAN 28 2026

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# A BILL FOR AN ACT

RELATING TO EMPLOYMENT PRACTICES.

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

1       SECTION 1. The legislature finds that workplace violence,  
2 harassment, and credible threats against employees have  
3 increased across multiple sectors nationwide and in Hawaii, with  
4 educators and school-based employees experiencing a particularly  
5 acute rise in threatening and intimidating behavior in recent  
6 years.

7       The legislature further finds that teachers,  
8 administrators, counselors, and other school officials  
9 increasingly report being subjected to harassment, stalking,  
10 intimidation, and threats of physical harm arising out of their  
11 employment, including threats made on campus, during  
12 school-related activities, and through work-related  
13 communications. These incidents have been widely reported and  
14 have required some employees to seek temporary restraining  
15 orders, injunctions for protection, or other legal remedies to  
16 ensure their personal safety and the safety of others in the  
17 workplace.



**S.B. NO. 3186**

1       The legislature recognizes that while employers may take  
2 steps to address inappropriate or threatening conduct, employees  
3 who are the direct targets of workplace violence or credible  
4 threats often bear the immediate burden of protecting themselves  
5 through court proceedings, meetings with law enforcement, and  
6 consultations with attorneys or victim services organizations.  
7 These actions frequently occur during working hours and may  
8 require short-term absences from work at critical moments when  
9 safety concerns are most acute.

10       The legislature finds that existing law provides unpaid  
11 leave protections for victims of domestic or sexual violence but  
12 does not explicitly address workplace violence or credible  
13 threats arising in the course of employment, nor does it provide  
14 clear, limited paid leave protections to ensure that employees  
15 are not forced to choose between their personal safety and their  
16 livelihoods. This gap disproportionately affects employees in  
17 public-facing roles, including educators and school officials,  
18 who regularly interact with members of the public as part of  
19 their job duties.

20       The legislature further finds that allowing a reasonable  
21 amount of paid leave, satisfied through existing employer leave



1 benefits, for employees who must take immediate legal or  
2 safety-related action in response to workplace violence or  
3 threats serves an important public purpose. Such leave supports  
4 employee safety, promotes timely access to the courts and law  
5 enforcement, reduces the risk of escalation, and helps maintain  
6 safe and stable workplaces for employees and the communities  
7 they serve.

8 The purpose of this Act is to clarify that employees who  
9 experience workplace violence or credible threats of workplace  
10 violence arising out of their employment are entitled to  
11 job-protected leave, and to establish a narrowly tailored,  
12 reasonable paid leave provision for safety-related legal  
13 actions, while maintaining existing safeguards, certification  
14 requirements, and employer flexibility. This Act is not  
15 intended to alter employer disciplinary authority, regulate  
16 public access to workplaces, or infringe upon lawful speech, but  
17 rather to ensure that employees facing credible threats are able  
18 to take necessary steps to protect themselves without fear of  
19 retaliation or economic harm.

20 SECTION 2. Section 378-72, Hawaii Revised Statutes, is  
21 amended to read as follows:



1       "§378-72 Leave of absence for domestic ~~[or]~~, sexual  
2 violence~~[-]~~, or workplace violence. (a) ~~[An]~~ Except as  
3 provided in subsection (b), an employer employing fifty or more  
4 employees shall allow an employee to take up to thirty days of  
5 unpaid victim leave from work per calendar year, or an employer  
6 employing ~~[not]~~ no more than forty-nine employees shall allow an  
7 employee to take up to five days of unpaid leave from work per  
8 calendar year, if the employee or the employee's minor child is  
9 a victim of domestic ~~[or]~~, sexual violence~~[-]~~, or workplace  
10 violence or threat of workplace violence; provided the leave is  
11 to either:

12       (1) Seek medical attention for the employee or employee's  
13       minor child to recover from physical or psychological  
14       injury or disability caused by domestic ~~[or]~~, sexual  
15       violence~~[-]~~, or workplace violence or threat of  
16       workplace violence;

17       (2) Obtain services from a victim services organization;

18       (3) Obtain psychological or other counseling;

19       (4) Temporarily or permanently relocate; or

20       (5) Take legal action, including preparing for or  
21       participating in any civil or criminal legal



1 proceeding related to or resulting from the domestic  
2 ~~[or]~~, sexual violence, or workplace violence or threat  
3 of workplace violence, or other actions to enhance the  
4 physical, psychological, or economic health or safety  
5 of the employee or the employee's minor child or to  
6 enhance the safety of those who associate with or work  
7 with the employee.

8 (b) An employee who is a victim of workplace violence or  
9 threat of workplace violence shall be entitled to paid leave for  
10 purposes directly related to the employee's safety or pursuit of  
11 legal protection, as follows:

12 (1) An employer employing fifty or more employees shall  
13 provide up to ten days of paid leave per calendar  
14 year; and

15 (2) An employer employing no more than forty-nine  
16 employees shall provide up to five days of paid leave  
17 per calendar year.

18 Paid leave under this subsection may be satisfied through the  
19 use of accrued sick leave, vacation leave, administrative leave,  
20 or any other paid leave authorized by the employer, and shall



1 not require the employer to provide additional paid leave beyond  
2 existing leave benefits.

3 (c) Paid leave under subsection (b) may be used to:

4 (1) Seek, obtain, or prepare for a temporary restraining  
5 order, injunction for protection, or other  
6 court-ordered relief;

7 (2) Participate in court proceedings, meetings with law  
8 enforcement, or consultations with an attorney or  
9 victim services organization related to the workplace  
10 violence or threat of workplace violence; or

11 (3) Take reasonable actions necessary to address an  
12 immediate safety risk arising from the workplace  
13 violence or threat of violence.

14 ~~[(b)]~~ (d) An employee's absence from work that is due to  
15 or resulting from domestic abuse ~~[or]~~, sexual violence, or  
16 workplace violence or threat of workplace violence against the  
17 employee or the employee's minor child as provided in this  
18 section shall be considered by an employer to be a justification  
19 for leave for a reasonable period of time, not to exceed the  
20 total number of days allocable for each category of employer  
21 under subsection (a).



1 ~~["Reasonable period of time" as used in this section means:~~

2 ~~(1) Where due to physical or psychological injury to or~~  
3 ~~disability to the employee or employee's minor child,~~  
4 ~~the period of time determined to be necessary by the~~  
5 ~~attending health care provider, considering the~~  
6 ~~condition of the employee or employee's minor child,~~  
7 ~~and the job requirements; and~~

8 ~~(2) Where due to an employee's need to take legal or other~~  
9 ~~actions, including preparing for or participating in~~  
10 ~~any civil or criminal legal proceeding, obtaining~~  
11 ~~services from a victim services organization, or~~  
12 ~~permanently or temporarily relocating, the period of~~  
13 ~~time necessary to complete the activity as determined~~  
14 ~~by the employee's or employee's minor child's attorney~~  
15 ~~or advocate, court, or personnel of the relevant~~  
16 ~~victim services organization.]~~

17 ~~[(e)]~~ (e) Where an employee is a victim of domestic ~~[(e)]~~,  
18 sexual violence, or workplace violence or threat of workplace  
19 violence and seeks leave for medical attention to recover from  
20 physical or psychological injury or disability caused by  
21 domestic ~~[(e)]~~, sexual violence, or workplace violence or threat



1 of workplace violence, the employer may request that the  
2 employee provide:

3 (1) A certificate from a health care provider estimating  
4 the number of leave days necessary and the estimated  
5 commencement and termination dates of leave required  
6 by the employee; and

7 (2) [~~Prior to~~] Before the employee's return, a medical  
8 certificate from the employee's attending health care  
9 provider attesting to the employee's condition and  
10 approving the employee's return to work.

11 [~~(d)~~] (f) Where an employee has taken [~~not~~] no more than  
12 five calendar days of leave for non-medical reasons, the  
13 employee shall provide certification to the employer in the form  
14 of a signed statement within a reasonable period after the  
15 employer's request, that the employee or the employee's minor  
16 child is a victim of domestic [~~or~~], sexual violence, or  
17 workplace violence or threat of workplace violence and the leave  
18 is for one of the purposes enumerated in subsection (a) [~~or~~] or  
19 (c), if applicable. If the leave exceeds five days per calendar  
20 year, then the certification shall be provided by one of the  
21 following methods:





- 1       (1)   Certified or exemplified restraining orders,  
2           injunctions against harassment, and documents from  
3           criminal cases;
- 4       (2)   Documentation from a victim services organization or  
5           domestic or sexual violence program, agency, or  
6           facility, including a shelter or safe house for  
7           victims of domestic or sexual violence; ~~[or]~~
- 8       (3)   Documentation from a medical professional, mental  
9           health care provider, attorney, advocate, social  
10          worker, or member of the clergy from whom the employee  
11          or the employee's minor child has sought assistance in  
12          relation to the domestic or sexual violence~~[or]~~; or
- 13      (4)   Documentation including but not limited to a police  
14          report, incident report, workplace safety report, or a  
15          written statement from a court, attorney, advocate,  
16          victim services organization, or employer  
17          representative confirming that the employee reported  
18          or sought assistance related to a credible workplace  
19          threat or act of workplace violence.



1       ~~[(e)]~~ (g) If certification is required, no leave shall be  
2 protected until a certification, as provided in this section, is  
3 provided to the employer.

4       ~~[(f)]~~ (h) The employee shall provide the employer with  
5 reasonable notice of the employee's intention to take the leave,  
6 unless providing that notice is not practicable due to imminent  
7 danger to the employee or the employee's minor child.

8       ~~[(g)]~~ (i) Nothing in this section shall be construed to  
9 prohibit an employer from requiring an employee on victim leave  
10 to report ~~[not]~~ no less than once a week to the employer on the  
11 status of the employee and intention of the employee to return  
12 to work.

13       ~~[(h)]~~ (j) Upon return from leave under this section, the  
14 employee shall return to the employee's original job or to a  
15 position of comparable status and pay, without loss of  
16 accumulated service credits and privileges, except that nothing  
17 in this subsection shall be construed to entitle any restored  
18 employee to the accrual of:

- 19       (1) Any seniority or employment benefits during any period  
20           of leave, unless the seniority or benefits would be  
21           provided to a similarly situated employee who was on



1 leave due to a reason other than domestic or sexual  
2 violence; or

3 (2) Any right, benefit, or position of employment to which  
4 the employee would not have otherwise been entitled.

5 ~~[(i)]~~ (k) All information provided to the employer under  
6 this section, including statements of the employee, or any other  
7 documentation, record, or corroborating evidence, and the fact  
8 that the employee or employee's minor child has been a victim of  
9 domestic or sexual violence or the employee has requested leave  
10 pursuant to this section, shall be maintained in the strictest  
11 confidence by the employer, and shall not be disclosed, except  
12 to the extent that disclosure is:

13 (1) Requested or consented to by the employee;

14 (2) Ordered by a court or administrative agency; or

15 (3) Otherwise required by applicable federal or state law.

16 ~~[(j)]~~ (l) Any employee denied leave by an employer in  
17 wilful violation of this section may file a civil action against  
18 the employer to enforce this section and recover costs,  
19 including reasonable attorney's fees, incurred in the civil  
20 action.



1        (m) No employer shall discharge, threaten, coerce,  
2 discriminate against, or retaliate against an employee for  
3 exercising rights under this section related to domestic  
4 violence, sexual violence, or workplace violence or threat of  
5 workplace violence.

6        (n) For purposes of this section:

7        "Reasonable period of time" means:

8        (1) Where due to physical or psychological injury to or  
9 disability to the employee or employee's minor child,  
10 the period of time determined to be necessary by the  
11 attending health care provider, considering the  
12 condition of the employee or employee's minor child,  
13 and the job requirements; and

14        (2) Where due to an employee's need to take legal or other  
15 actions, including preparing for or participating in  
16 any civil or criminal legal proceeding, obtaining  
17 services from a victim services organization, or  
18 permanently or temporarily relocating, the period of  
19 time necessary to complete the activity as determined  
20 by the employee's or employee's minor child's attorney



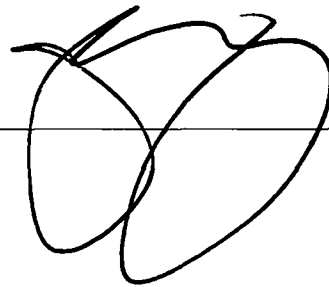
1           or advocate, court, or personnel of the relevant  
2           victim services organization.

3           "Workplace violence or threat of workplace violence" means  
4   any act or credible threat of physical violence, harassment,  
5   intimidation, stalking, or threatening conduct that occurs at  
6   the workplace, at a work-related location, or arises out of or  
7   in the course of employment, including conduct committed by a  
8   client, customer, student, parent, guardian, member of the  
9   public, or any other third party, that a reasonable person would  
10   perceive as posing a risk to the health or safety of the  
11   employee or others in the workplace."

12           SECTION 3. Statutory material to be repealed is bracketed  
13   and stricken. New statutory material is underscored.

14           SECTION 4. This Act shall take effect upon its approval.

15  
INTRODUCED BY: \_\_\_\_\_

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# S.B. NO. 3186

**Report Title:**

Employment Practices; Paid Leave of Absence; Workplace Violence

**Description:**

Requires certain employers to provide unpaid and paid leave of absence for victims of workplace violence or threat of workplace violence. Expands the type of certification an employee may provide to an employer if the leave exceeds five days per calendar year.

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

