

ACT 33

A Bill for an Act Relating to Sick Leave for Firemen.

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of facts constituting such urgency:

The general employees of government are credited with $1\frac{3}{4}$ working days for each month of service as and for sick leave, whereas the firemen are credited with $1\frac{3}{4}$ days credit for each 28 or more calendar days of service. However, the general employees are charged sick leave on the basis of working days, thus Saturdays, Sundays and holidays are not charged. On the other hand, as to firemen who are required to work 24 hours every other day, every calendar day which falls within the 24-hour work period, except holidays and days off and referred to as J days, shall be considered a working day and they are charged accordingly. This has created an inequitous situation and a morale problem has resulted therefrom. It is in the public interest that this situation be corrected as soon as possible.

SECTION 2. Section 5-39 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto a new section to be numbered Section 5.39.1, to read as follows:

"Sec. 5.39.1. Sick leave of members of fire departments. Members of the fire departments of the several counties who have complied with the provisions of section 5-70 shall be entitled to and granted sick leave with pay each calendar year of two and one-half calendar days for each month of service.

"Sick leave allowances for firemen shall be recorded and administered on a calendar year basis, the allowance accruing during each calendar year being credited to firemen as of December 31 of each year. The sick leave provided for in this section, which is not used by a fireman during the year in which it accrues, shall accumulate and be available for use in succeeding years.

"A licensed physician's certificate shall be required when absences are 5 or more consecutive days; provided, the department head shall have the authority to investigate any absence for sickness and upon a finding that the firemen's claim of illness was falsely made, the department head shall take proper disciplinary action in accordance with the rules governing such matters.

"Additional sick leave with pay, in excess of that which the fireman is entitled to, may be granted with the written approval of the governor, mayor or chairman of the respective boards of supervisors, as the case

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may be; provided, that due consideration shall be given to the length of service of the particular fireman requesting an excess of that to which he is entitled.”

SECTION 3. This Act shall take effect on July 1, 1964.

(Approved April 22, 1964.) **H.B. 384.**
