

ACT 157

H.B. NO. 187

A Bill for an Act Relating to Public Officers and Employees.

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

SECTION 1. The legislature finds that the family is a fundamental building block of our society. Unfortunately, because of the high cost of living, most able family members must work to provide the basic necessities for their families. As a result, when a family member suffers a debilitating illness or injury, and is required to be on sick leave for an extended period of time, this jeopardizes that individual's ability to support the family.

The legislature finds that public employees in the State have historically joined together to help their fellow workers who suffer from an extraordinary situation, such as severe illness, injury, impairment, physical, or mental condition, that prevents the individual from working and causes great economic and emotional distress to the employee and the employee's family.

The purpose of this Act is to allow leave sharing programs for state and county employees to be established to ease the burdens of public employees who may need to take time to recover from a serious personal illness or injury.

SECTION 2. Chapter 79, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§79- Leave sharing program. (a) The chief executive of the State or a county may establish a program to allow employees to donate accumulated vacation leave credits to another employee within the same jurisdiction who has a serious personal illness or injury. The program shall allow employees who are not entitled to vacation leave to donate accumulated sick leave credits.

(b) The director of personnel services of a jurisdiction desiring to establish a leave sharing program shall adopt rules pursuant to chapter 91 governing donors, recipients, and an approval process that ensures fair treatment and freedom from coercion of employees and imposes no undue hardship on the employer's operations. At a minimum, the rules shall require that an eligible recipient must have:

- (1) No less than six months of service within the respective jurisdiction;
- (2) Exhausted or is about to exhaust all vacation leave, sick leave, and compensatory time credits;
- (3) A personal illness or injury certified by a competent medical examiner as being serious and the cause of the recipient's inability to work; provided that, the illness or injury is not covered under chapter 386 or, if covered, all benefits under chapter 386 have been exhausted; and
- (4) No disciplinary record of sick leave abuse within the past two years.''

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval and be repealed on June 30, 1996.

(Approved June 9, 1993.)

Note

1. Edited pursuant to HRS §23G-16.5.