

ACT 265

S.B. NO. 1833

A Bill for an Act Relating to Family Leave.

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

SECTION 1. The legislature finds that various companies are arbitrarily exhausting an employee's accrued vacation time while the employee is out on family leave, as current law allows either the employer or employee to decide which type of leave to apply to a period of family leave. The legislature further finds that only the employee should make the decision to take family leave as unpaid leave, or to substitute the unpaid leave with accrued vacation, personal, or paid family leave.

The purpose of this Act is to provide an employee, not an employer, the option to substitute accrued paid leave, including vacation, personal, or family leave, for any part of the four-week period allowed for family leave.

SECTION 2. Section 398-4, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Except as otherwise provided in subsection (c), an employee [~~or employer~~] may elect to substitute any of the employee's accrued paid leaves, including but not limited to vacation, personal, or family leave for any part of the four-week period in subsection (a).”

SECTION 3. Statutory material to be repealed is bracketed and stricken.

SECTION 4. This Act shall take effect on July 1, 2007.

(Became law on July 10, 2007, without the Governor's signature, pursuant to Art. III, §16, State Constitution.)