

JAN 25 2006

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# A BILL FOR AN ACT

RELATING TO FAMILY LEAVE.

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

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

10           The purpose of this Act is to provide an employee with the  
11 option to substitute accrued paid leave, including vacation,  
12 personal, or family leave leave, for any part of the four-week  
13 period allowed for family leave.

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

16           "(b) Except as otherwise provided in subsection (c), an  
17 employee [~~or employer~~] may elect to substitute any of the  
18 employee's accrued paid leaves, including but not limited to



1 vacation, personal, or family leave, for any part of the four-  
2 week period in subsection (a)."

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 Statutory material to be repealed is bracketed  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

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

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INTRODUCED BY:

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**Report Title:**

Family Leave; Accrued Paid Leave

**Description:**

Allows an employee to elect to use accrued paid leave, including vacation, personal, or family leave, for any part of the four-week period of family leave provided under the law.

