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## A BILL FOR AN ACT

RELATING TO LEAVES OF ABSENCE.

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

1           SECTION 1. Section 78-23, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "§78-23 Leaves of absence. (a) Employees shall be  
4 eligible for vacation leave, sick leave, and other leaves of  
5 absence, with or without pay, as negotiated under chapter 89 or  
6 adjusted under chapter 89C, as applicable[-]; provided that  
7 leaves shall be consistent with all limitations and requirements  
8 under this section.

9           (b) The vacation and sick leave allowances for all  
10 employees hired after June 30, 2010, shall be limited as  
11 follows:

12           (1) After the completion of twelve months of service, no  
13 more than eighty hours of vacation leave and forty  
14 hours of sick leave shall be allowed;

15           (2) After the completion of each succeeding twelve months  
16 of service thereafter, no more than eighty additional  
17 hours of vacation leave and twenty additional hours of  
18 sick leave shall be allowed for each twelve-month



1           period, subject to the maximum allowances under  
2           paragraph (3); and  
3           (3) The maximum allowance for vacation leave shall be no  
4           more than four hundred and eighty hours, and the  
5           maximum allowance for sick leave shall be no more than  
6           eighty hours.

7 In operations where employees do not earn nor use vacation or  
8 sick leave credits in essentially the same manner as twelve-  
9 month employees on a forty hour per week work schedule, the  
10 appropriate authority shall ensure that the equivalent of the  
11 limitations under this section shall also apply to employees in  
12 those operations who are hired after June 30, 2010. The  
13 limitations under this section shall not prohibit collective  
14 bargaining negotiations pursuant to chapter 89 so long as the  
15 allowances do not exceed the limitations of this section which  
16 apply specifically to employees hired after June 30, 2010.

17           (c) Vacation and sick leave allowances shall be recorded  
18 and administered on a calendar year basis. The allowance  
19 accruing during each calendar year shall be credited to  
20 employees as of December 31, of each year.



1        (d) Any unused vacation and sick leave allowances, which  
2 are not used by an employee during the year in which it accrues,  
3 shall accumulate for succeeding years, except that:

4        (1) The total recorded accumulation of vacation leave  
5 shall be no more than four hundred and eighty hours  
6 for employees hired after June 1, 2010; and

7        (2) The total recorded accumulation of sick leave shall be  
8 no more than eighty hours for employees hired after  
9 June 1, 2010.

10       No employee shall be granted or permitted to take vacation  
11 or sick leave in any calendar year in excess of the maximum  
12 accumulation allowed in this subsection.

13       ~~[(b)]~~ (e) When an employee is transferred from one  
14 department to another within the same jurisdiction or to another  
15 jurisdiction within the State, the employee shall be given  
16 credit for the vacation earned or accumulated in the department  
17 from which the employee transferred, and the director of finance  
18 of the State or the equivalent officers of the several  
19 jurisdictions shall make the appropriate transfer of funds to  
20 implement the employee transfer. Moneys received from any such  
21 transfer of funds by a state agency financed by the general fund  
22 of the State shall be deposited with the director of finance of



1 the State to the credit of the general fund of the State;  
2 provided that, when an employee is transferred from one  
3 department to another within the same jurisdiction, the transfer  
4 of funds shall not be made if the employee's salary is paid from  
5 the same fund. Compensation for any period of vacation  
6 allowance shall be paid at the rate to which the employee is  
7 entitled at the time the allowance is granted.

8       ~~(e)~~ (f) Upon discharge, an employee shall be entitled to  
9 all of the employee's accumulated vacation allowance plus the  
10 employee's current accrued vacation allowance to and including  
11 the date of discharge, notwithstanding that the current accrued  
12 vacation allowance may not have been recorded at the time. If  
13 any employee dies with accumulated or current accrued vacation  
14 earned but not taken, an amount equal to the value of the  
15 employee's pay over the period of such earned vacation, and any  
16 earned and unpaid wages, shall be paid to the person or persons  
17 who may have been designated as the beneficiary or beneficiaries  
18 by the employee during the employee's lifetime in a verified  
19 written statement filed with the comptroller or other disbursing  
20 officer who issues warrants or checks to pay the employee for  
21 the employee's services as a public employee, or, failing the  
22 designation, to the employee's estate.



1           ~~(d)~~ (g) Whenever an employee is to be discharged,  
2 voluntarily or involuntarily, the employee, at the option of the  
3 appointing authority, may be discharged and paid forthwith, in  
4 lieu of the employee's vacation allowance, the amount of  
5 compensation to which the employee would be entitled or which  
6 the employee would be allowed during the vacation period if the  
7 employee were permitted to take the employee's vacation in the  
8 normal manner, and in such case the employee's position may be  
9 declared vacant and may be permanently filled by a new appointee  
10 before the expiration of any vacation period following the date  
11 of the discharge. For an employee hired after June 30, 1997,  
12 who is to be discharged, voluntarily or involuntarily, the  
13 amount of compensation to be paid in lieu of vacation allowance  
14 under this section shall be computed using the rate of pay and  
15 amount of accumulated and accrued vacation on the date the  
16 employee is discharged. Prompt notice upon such forms and in  
17 such manner as may be required shall be given by the department  
18 head of any action taken under this provision.

19           ~~(e)~~ (h) Payments of vacation allowance paid pursuant to  
20 subsections ~~(e)~~ (f) or ~~(d)~~ (g) shall be subject to the  
21 provisions of chapter 88D."



1 SECTION 2. Section 78-23.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) The governor or mayor or their respective designees  
4 may grant a state or county employee who is a certified American  
5 Red Cross disaster volunteer up to thirty days paid leave of  
6 absence to perform disaster relief services for the American Red  
7 Cross, a federally chartered nongovernmental disaster relief  
8 organization, when a disaster has been:

9 (1) Designated as level III or higher by American Red  
10 Cross regulations;

11 (2) Officially declared by the President of the United  
12 States; or

13 (3) Declared a state of emergency by the governor;  
14 provided that the employee has prior authorization from the  
15 governor or mayor, or their respective designee, as applicable,  
16 and the leave of absence imposes no undue hardship on state or  
17 county operations[-]; provided further that no leave shall be  
18 authorized in excess of the maximum amount allowed pursuant to  
19 section 78-23."

20 SECTION 3. Section 78-23.6, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           " ~~§~~78-23.6 ~~§~~ Leave of absence to serve as bone marrow  
2 donor or organ donor. Any officer or employee in the service of  
3 the State or any of the several counties shall be entitled to:

4           (1) Seven days of paid leave each calendar year to serve  
5           as a bone marrow donor; and

6           (2) Thirty days of paid leave each calendar year to serve  
7           as an organ donor ~~§~~;

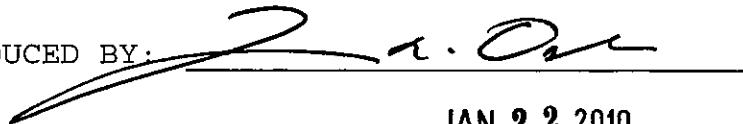
8 provided that no leave shall be authorized in excess of the  
9 maximum amount allowed pursuant to section 78-23."

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

12           SECTION 5. This Act shall take effect on July 1, 2010.

13

INTRODUCED BY:



JAN 22 2010



**Report Title:**

Leaves of Absence; Limitations on New Hires

**Description:**

Limits vacation and sick leave to 480 hours (three months) and 80 hours (two weeks), respectively, for public employees hired after June 30, 2010.

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

