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# A BILL FOR AN ACT

RELATING TO PUBLIC EMPLOYEES' HEALTH BENEFITS.

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

1 SECTION 1. Section 78-2.8, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 " ~~[+] §78-2.8 [ ]~~ Public employees [ ] and elected officials;  
4 termination [ - ]; forfeiture of health benefits. (a) If a public  
5 employee is convicted of a felony for conduct related to the  
6 public employee's duties, the public employee shall be  
7 terminated from the public employee's position [ - ] and shall  
8 forfeit benefits under chapter 87A. If an elected official is  
9 convicted of a felony for conduct related to the elected  
10 official's duties, the elected official shall forfeit benefits  
11 under chapter 87A.

12 (b) If the felony conviction that results in the  
13 termination and forfeiture of benefits of a public employee  
14 pursuant to subsection (a) is overturned on appeal, the public  
15 employee shall ~~[receive]~~:

16 (1) Receive back pay and be returned to the position the  
17 public employee held prior to conviction, or an  
18 equivalent position if the public employee's position



1 was filled; provided that the employee is not  
2 terminated from the employee's position in accordance  
3 with any other provision of law[-]; and

4 (2) Be reinstated to receive health benefits under chapter  
5 87A.

6 (c) If the felony conviction that results in the  
7 forfeiture of benefits of an elected official pursuant to  
8 subsection (a) is overturned on appeal, the elected official  
9 shall be reinstated to receive health benefits under chapter  
10 87A.

11 [~~e~~] (d) For purposes of this section:

12 (1) "Public employee" means any public employee of the  
13 State or any county, and the political subdivisions  
14 and agencies thereof, any employees under contract  
15 with the State or county, any civil service employees,  
16 and any probationary or provisional employees of the  
17 State or county;

18 (2) Employees covered by chapter 89 shall be entitled to a  
19 grievance procedure culminating in a final and binding  
20 decision; [~~and~~]

21 (3) [A] For a public employee, a rebuttable presumption  
22 shall arise that the criminal conviction is just and



1 proper cause for the [~~employee's~~] termination[~~-~~] of  
2 the employee's position and health benefits; and

3 (4) For an elected official, a rebuttable presumption  
4 shall arise that the criminal conviction is just and  
5 proper cause for the termination of the elected  
6 official's health benefits."


7 SECTION 2. Section 87A-21, Hawaii Revised Statutes, is  
8 amended by amending subsection (a) to read as follows:

9 "(a) The board shall establish eligibility criteria to  
10 determine who can qualify as an employee-beneficiary, dependent-  
11 beneficiary, or qualified-beneficiary, consistent with [~~the~~  
12 ~~provisions of~~] this chapter[~~-~~] and section 78-2.8."

13 SECTION 3. This Act does not affect rights and duties that  
14 matured, penalties that were incurred, and proceedings that were  
15 begun before its effective date.

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

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

19 INTRODUCED BY: 

**Report Title:**

Health Benefits; Public Employees; Elected Officials; Forfeiture

**Description:**

Terminates public employees' and elected officials' health benefits upon conviction of a felony relating to the employees' or official's duties.

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

