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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. Section 398-3, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) An employee shall be entitled to a total of four  
4 weeks of family leave during any calendar year [~~upon the birth~~  
5 ~~of a child of the employee or the adoption of a child, or to~~  
6 ~~care for the employee's child, spouse or reciprocal beneficiary,~~  
7 ~~or parent with a serious health condition.]:~~

8           (1) Upon the birth or adoption of a child by the employee;

9           (2) To care for the employee's child, spouse, reciprocal  
10           beneficiary, or parent, with a serious health  
11           condition; or

12           (3) For any qualifying exigency arising out of the fact  
13           that the employee's spouse, son, daughter, or parent  
14           is on covered active duty in the armed forces of the  
15           United States, as such conditions and terms are  
16           defined in Title 29 Code of Federal Regulations Part  
17           825, the federal Family and Medical Leave Act of 1993,  
18           as amended."



1 SECTION 2. Section 398-6, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§398-6 Certification. (a) An employer may require that  
4 a claim for family leave be supported by written certification.

5 (b) For the birth of a child, certification shall be  
6 issued by a health care provider or the family court. For the  
7 placement of a child for adoption with the employee,  
8 certification shall be issued by a recognized adoption agency,  
9 the attorney handling the adoption, or by the individual  
10 officially designated by the birth parent to select and approve  
11 the adoptive family.

12 (c) When leave is to care for a child, spouse, or parent  
13 who has a serious health condition, certification shall be  
14 issued by the health care provider of the individual requiring  
15 care. Certification shall be considered sufficient if it  
16 provides information as required by the director.

17 (d) Leave for a qualifying exigency under section 398-3  
18 shall be supported by a copy of the covered military member's  
19 active duty orders and certification providing the appropriate  
20 facts related to the particular qualifying exigency for which  
21 leave is sought, including contact information if the leave  
22 involves meeting with a third party."



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

3 SECTION 4. This Act shall take effect on July 1, 2013.

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**Report Title:**

Family Leave; Military Deployment

**Description:**

Allows an employee with a family member in the United States armed forces who is on active duty or notified of a call to active duty, to use family leave for certain activities for which an employee may take military family leave under federal law. Provides employers with a mechanism to certify the validity of requests for military family leave. Effective July 1, 2013. (SD1)

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

