
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, reciprocal beneficiary,
14 son, daughter, or parent is on covered active duty in
15 the armed forces of the United States, as such
16 conditions and terms are defined in title 29 Code of
17 Federal Regulations part 825, the federal Family and
18 Medical Leave Act of 1993, 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 shall be supported by
18 a copy of the covered military member's active duty orders and
19 certification providing the appropriate facts related to the
20 particular qualifying exigency for which leave is sought,
21 including contact information if the leave involves meeting with
22 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 Statutory material to be repealed is bracketed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.



Report Title:

Family Leave; Military Deployment

Description:

Amends the state family leave law to allow 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 state family leave for certain activities for which an employee may take military family leave under federal law. Requires certain documentation to certify the validity of the family leave request. Effective July 1, 2013. (HB169 HD1)

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