
HOUSE CONCURRENT RESOLUTION

REQUESTING A FEASIBILITY STUDY ON AMENDING THE DEFINITION OF
"REGULAR EMPLOYEE" UNDER THE HAWAII PREPAID HEALTH CARE
ACT.

1 WHEREAS, the cost of medical care in case of sudden need
2 may consume all or an excessive part of a person's resources;
3 and
4

5 WHEREAS, prepaid health care plans offer a certain measure
6 of protection against such emergencies; and
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8 WHEREAS, the Hawaii Prepaid Health Care Act, enacted on
9 June 12, 1974, was created to:
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11 (1) Protect employees in the state from the spiraling cost
12 of comprehensive medical care; and
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14 (2) Improve health care coverage through an employer
15 mandate; and
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17 WHEREAS, the Hawaii Prepaid Health Care Act defines
18 "regular employee" as a person employed in the employment of any
19 one employer for at least 20 hours per week, but does not
20 include a person employed in seasonal employment; and
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22 WHEREAS, fluctuating business patterns affect many
23 employees in the retail and hospitality sectors; and
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25 WHEREAS, some employees face the possibility of becoming
26 ineligible for employer sponsored health insurance because of
27 slow periods of business despite working an average of 20 hours
28 or more per week based on a four-week period; and



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1 WHEREAS, a supervisor may manipulate employee work
 2 schedules and undermine the purpose of the Hawaii Prepaid Health
 3 Care Act by purposefully reducing an employee's hours during one
 4 week out of the month so that the employee is ineligible for a
 5 prepaid health care plan regardless of whether the employee
 6 worked an average of 20 hours or more per week based on a four-
 7 week period; and

8
 9 WHEREAS, amending the definition of "regular employee" to
 10 include employees who work an average of 20 hours or more per
 11 week based on a four-week period may eliminate the possibility
 12 of employees becoming ineligible for health insurance due to:

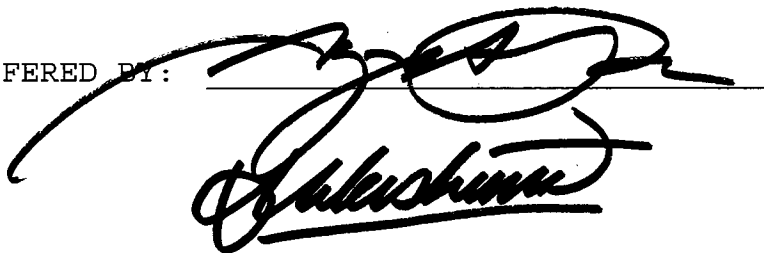
- 13
- 14 (1) Irregular patterns of business outside the control of
- 15 the employee or employer; and
- 16
- 17 (2) Unethical schedule maneuvering by an employee's
- 18 supervisor; now, therefore,
- 19

20 BE IT RESOLVED by the House of Representatives of the
 21 Twenty-ninth Legislature of the State of Hawaii, Regular Session
 22 of 2017, the Senate concurring, that the Department of Labor and
 23 Industrial Relations is requested to study the feasibility of
 24 amending the definition of "regular employee" under the Hawaii
 25 Prepaid Health Care Act to mean a person employed in the
 26 employment of any one employer for an average of at least 20
 27 hours per week during a four-week period, but does not include a
 28 person employed in seasonal employment; and

29
 30 BE IT FURTHER RESOLVED that the Department of Labor and
 31 Industrial Relations is requested to report its findings and
 32 recommendations to the Legislature no later than 20 days prior
 33 to the convening of the Regular Session of 2018; and

34
 35 BE IT FURTHER RESOLVED that certified copies of this
 36 Concurrent Resolution be transmitted to the Director of Labor
 37 and Industrial Relations.

38
 39
 40 OFFERED BY: _____




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Frank John
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FEB 23 2017

