

JAN 18 2019

A BILL FOR AN ACT

RELATING TO EMPLOYEES.

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

1 PART I

2 SECTION 1. Section 78-26, Hawaii Revised Statutes, is
3 amended to read as follows:

4 "§78-26 Leave sharing program. (a) ~~[The legislature,~~
5 ~~with regard to its employees, or the chief executive of a~~
6 ~~jurisdiction may]~~ Each state government branch shall establish a
7 leave sharing program to allow state employees to donate
8 accumulated vacation leave credits to another state employee
9 [within the same jurisdiction] who has a serious personal
10 illness or injury or who has a family member who has a serious
11 personal illness or injury[-]; provided that the chief executive
12 of a county may establish a leave sharing program pursuant to
13 this section for employees of a county. The program shall allow
14 employees who are not entitled to vacation leave to donate
15 accumulated sick leave credits.

16 (b) ~~[The legislature, with regard to its employees, or the~~
17 ~~director of a jurisdiction desiring to establish a leave sharing~~



1 ~~program]~~ Each state government branch, and a county that
2 establishes a leave sharing program pursuant to this section,
3 shall develop rules governing donors, recipients, and an
4 approval process that ensures fair treatment and freedom from
5 coercion of employees and imposes no undue hardship on the
6 employer's operations [~~. If it is administratively infeasible to~~
7 ~~allow leave sharing between different departments or different~~
8 ~~bargaining units, the rules may limit leave sharing to employees~~
9 ~~within the same department or same bargaining unit, as~~
10 ~~necessary.];~~ provided that a state government branch shall not
11 prohibit leave sharing between different departments or
12 bargaining units because of administrative infeasibility. At a
13 minimum, the rules shall require that an eligible recipient must
14 have:

- 15 (1) No less than [~~six months~~] _____ of service within
16 the respective jurisdiction;
- 17 (2) Exhausted or is about to exhaust all vacation leave,
18 sick leave, and compensatory time credits; provided
19 that sick leave need not be exhausted when the illness
20 or injury involves a family member;



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1 (3) A personal illness or injury or a family member's
2 illness or injury certified by a competent medical
3 examiner as being serious and the cause of the
4 recipient's inability to work; provided that the
5 illness or injury is not covered under chapter 386 or,
6 if covered, all benefits under chapter 386 have been
7 exhausted; and

8 (4) No disciplinary record of sick leave abuse ~~[within the~~
9 ~~past two years.~~

10 ~~Notwithstanding the requirements of chapter 91, the~~
11 ~~legislature may establish a leave sharing program for~~
12 ~~legislative employees, in accordance with this section, under~~
13 ~~policies adopted separately by each house of the legislature and~~
14 ~~each legislative service agency, or jointly by any combination~~
15 ~~of entities thereof].~~

16 (c) As used in this section, "state government branch"
17 includes each department or agency of the state executive
18 branch, judiciary, and legislature."

19 **PART II**

20 SECTION 2. Section 78-23, Hawaii Revised Statutes, is
21 amended by amending subsection (c) to read as follows:



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

17 **PART III**

18 SECTION 3. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.



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1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: Michelle D. Stedani

Claudia & Richi Khan

Randy de Bob



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Report Title:

Shared Leave Program; State and County Employees; Designation of Beneficiary Form

Description:

Requires each state government branch to establish a shared leave program for state employees. Allows the chief executive of a county to establish a shared leave program for county employees. Precludes a state government branch from prohibiting leave sharing between different departments or bargaining units because of administrative infeasibility. Allows an employee's designation of beneficiary form to be filed with the department where the employee is employed and permits the designation to be made through a statement that is not verified or written.

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

