

JAN 27 2021

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# A BILL FOR AN ACT

RELATING TO PUBLIC EMPLOYEES.

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

1 PART I

2 SECTION 1. The purpose of this Act is to:

- 3 (1) Require each state government branch to establish a  
4 shared leave program for state employees;
- 5 (2) Preclude state government branches and counties that  
6 have a shared leave program from prohibiting leave  
7 sharing between employees of different departments or  
8 bargaining units because of administrative  
9 infeasibility; and
- 10 (3) Allow a public employee to designate beneficiaries to  
11 the employee's unpaid vacation allowance and wages  
12 through a statement that is not verified or written.

13 PART II

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

16 "§78-26 Leave sharing program. (a) ~~[The legislature,~~  
17 ~~with regard to its employees, or the chief executive of a~~



~~jurisdiction may]~~ Each state government branch shall establish a leave sharing program to allow state employees to donate accumulated vacation leave credits to another state employee ~~[within the same jurisdiction]~~ who has a serious personal illness or injury or who has a family member who has a serious personal illness or injury~~[-]~~; provided that the chief executive of a county may establish a leave sharing program pursuant to this section for employees of the county. The program shall allow employees who are not entitled to vacation leave to donate accumulated sick leave credits.

(b) ~~[The legislature, with regard to its employees, or the director of a jurisdiction desiring to establish a leave sharing program]~~ Each state government branch, and a county that establishes a leave sharing program pursuant to this section, shall develop rules governing donors, recipients, and an approval process that ensures fair treatment and freedom from coercion of employees and imposes no undue hardship on the employer's operations~~[-. If it is administratively infeasible to allow leave sharing between different departments or different bargaining units, the rules may limit leave sharing to employees within the same department or same bargaining unit, as~~



1 ~~necessary.~~]; provided that a state government branch shall not  
2 prohibit leave sharing between different departments or  
3 bargaining units because of administrative infeasibility. At a  
4 minimum, the rules shall require that an eligible recipient must  
5 have:

6 (1) No less than [~~six months~~] \_\_\_\_\_ of service within  
7 the respective jurisdiction;

8 (2) Exhausted or is about to exhaust all vacation leave,  
9 sick leave, and compensatory time credits; provided  
10 that sick leave need not be exhausted when the illness  
11 or injury involves a family member;

12 (3) A personal illness or injury or a family member's  
13 illness or injury certified by a competent medical  
14 examiner as being serious and the cause of the  
15 recipient's inability to work; provided that the  
16 illness or injury is not covered under chapter 386 or,  
17 if covered, all benefits under chapter 386 have been  
18 exhausted; and

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



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

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

10 PART III

11       SECTION 3. Section 78-23, Hawaii Revised Statutes, is  
12       amended by amending subsection (c) to read as follows:

13           "(c) Upon discharge, an employee shall be entitled to all  
14 of the employee's accumulated vacation allowance plus the  
15 employee's current accrued vacation allowance to and including  
16 the date of discharge, notwithstanding that the current accrued  
17 vacation allowance may not have been recorded at the time. If  
18 any employee dies with accumulated or current accrued vacation  
19 earned but not taken, an amount equal to the value of the  
20 employee's pay over the period of such earned vacation, and any  
21 earned and unpaid wages, shall be paid to the person or persons



1 who may have been designated as the beneficiary or beneficiaries  
2 by the employee during the employee's lifetime in a [verified  
3 ~~written or~~ statement, including an electronic statement filed  
4 with the comptroller or other disbursing officer who issues  
5 warrants or checks to pay the employee for the employee's  
6 services as a public employee, or with the department in which  
7 the employee was employed, or, failing the designation, to the  
8 employee's estate."

9 PART IV

10 SECTION 4. This Act does not affect rights and duties that  
11 matured, penalties that were incurred, and proceedings that were  
12 begun before its effective date.

13 SECTION 5. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 6. This Act shall take effect upon its approval.

16 INTRODUCED BY:

*Anthony D. Bob*



**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. Precludes state government branches and counties that have a shared leave program from prohibiting leave sharing between employees of different departments or bargaining units because of administrative infeasibility. Allows a public employee to designate beneficiaries to the employee's unpaid vacation allowance and wages 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.*

