
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~~]:

5 (1) Upon the birth of a child of the employee or the
6 adoption of a child[~~, or to~~];

7 (2) To care for the employee's child, spouse [~~or~~],
8 reciprocal beneficiary, sibling, or parent with a
9 serious health condition[~~-~~]; or

10 (3) Upon the death of the employee's child, spouse,
11 reciprocal beneficiary, sibling, or parent."

12 SECTION 2. Section 398-5, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§398-5 **Notice.** In any case in which the necessity for
15 family leave for purposes of birth or adoption of a child or
16 providing care to a child, spouse, reciprocal beneficiary,
17 sibling, or parent is foreseeable, the employee shall provide



1 the employer with prior notice of the expected birth or adoption
2 or serious health condition in a manner that is reasonable and
3 practicable. Requests for family leave shall include evidence
4 that the employee has submitted the request and provided
5 required data in accordance with section 398-9.5."

6 SECTION 3. Section 398-6, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§398-6 Certification.** (a) An employer may require that
9 a claim for family leave be supported by written certification.

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

17 (c) When leave is to care for a child, spouse, reciprocal
18 beneficiary, sibling, or parent who has a serious health
19 condition, certification shall be issued by the health care
20 provider of the individual requiring care. Certification shall



1 be considered sufficient if it provides information as required
2 by the director.

3 (d) When leave is for the death of a child, spouse,
4 reciprocal beneficiary, sibling, or parent, certification shall
5 be a death certificate issued by the department of health or by
6 an official or agency of the place where the death occurred."

7 SECTION 4. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect on January 7, 2059.



Report Title:

Family Leave; Sibling; Death

Description:

Permits an employee to take family leave in order to care for the employee's sibling with a serious health condition or upon the death of an employee's child, spouse, reciprocal beneficiary, sibling, or parent. Specifies notice and certification requirements. Takes effect 1/7/2059. (SD1)

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