

JAN 22 2021

A BILL FOR AN ACT

RELATING TO EMPLOYMENT.

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

1 SECTION 1. The legislature finds that the ongoing
2 coronavirus pandemic has profoundly impacted women and their
3 ability to support themselves and their families. Women have
4 experienced the majority of job losses since the start of the
5 pandemic, and child care center and school closures have further
6 undermined the ability of women to maintain paid employment.
7 According to the United States Department of Labor, women left
8 the job market at four times the rate of men in September 2020.
9 Between August and September 2020, 865,000 women dropped out of
10 the United States workforce compared to 211,000 men. The New
11 York Times has referred to the loss of women from the workforce
12 as a "shecession."

13 Disruptions to the child care and education system have
14 required women to function simultaneously as both an employee
15 and a caregiver. The duality of roles is more challenging than
16 ever. Working from home is preferable to being forced out of
17 the workforce en masse due to strict return-to-office policies.



1 The legislature further finds that the State continues to
2 implement an outdated telework policy that wrongly prohibits
3 caregiving while teleworking. Women are unfairly penalized by
4 this policy because societal norms reinforce stereotypes of
5 women as primary caregivers. When Hawaii public schools closed
6 their doors in mid-March 2020 and thrust educational
7 responsibilities onto parents, women overwhelmingly performed
8 those additional tasks. Child care centers also closed for all
9 but essential employees. Within state government, emergency
10 telework was not uniformly extended to public workers despite
11 the child care crisis. As schools and child care programs
12 reopened with reduced capacities, many women and families were
13 left with no choice but to continue working and caregiving at
14 the same time.

15 The legislature also finds that states like Virginia,
16 Maryland, and California have invested in telework for their
17 state employees prior to the pandemic because telework increases
18 productivity, increases employee quality of life, and may reduce
19 costs associated with staff turnover and office space. Telework
20 may also help employers retain women employees for the remainder



1 of the pandemic and continue to support women in the workforce
2 thereafter.

3 The purpose of this Act is to adopt telework and
4 alternative work schedules for state employees, establish
5 caregiving as a valid reason to telework, and allow state
6 employees to telework and act as caregivers at the same time.

7 SECTION 2. Chapter 78, Hawaii Revised Statutes, is amended
8 by adding a new section to read as follows:

9 "§78- Telework; alternative work schedule. (a) Each
10 department shall establish a telework and alternative work
11 schedule policy. The telework and alternative work schedule
12 policy shall include standards and procedures for telework and
13 use of alternative work schedules.

14 (b) The telework and alternative work schedule policy
15 shall:

16 (1) Identify types of employees eligible for telework or
17 an alternative work schedule;

18 (2) Identify the broad categories of positions determined
19 to be ineligible for telework or an alternative work
20 schedule, and provide a justification for their
21 ineligibility;



- 1 (3) Unless doing so would create an undue burden for the
- 2 department, allow any employee who acts as a caregiver
- 3 for a household member to telework or use an
- 4 alternative work schedule;
- 5 (4) Promote the benefits of telework and alternative work
- 6 schedules;
- 7 (5) Include the use of alternative work locations as a
- 8 location from which to telework;
- 9 (6) Where feasible, promote the use of state information
- 10 technology assets;
- 11 (7) Allow eligible employees to use computers, computing
- 12 devices, or related electronic equipment not owned or
- 13 leased by the State to telework; provided that the use
- 14 is technically and economically practical and the use
- 15 satisfies information security standards established
- 16 by the department or the use is exempted from the
- 17 standards approved by the department; and
- 18 (8) Be updated periodically, as necessary.
- 19 (c) The telework and alternative work schedule policy may
- 20 include an incentive program established and administered by the
- 21 State to encourage:



- 1 (1) Employees to telework or use alternative work
2 schedules; and
- 3 (2) Managers to promote telework and alternative work
4 schedules for eligible employees.
- 5 (d) The head of each department shall establish annual
6 percentage targets for the number of positions eligible for
7 telework or an alternative work schedule. By July 1, 2025, each
8 department shall have not less than thirty per cent of the
9 eligible positions participating in telework or using an
10 alternative work schedule.
- 11 (e) No later than twenty days prior to the convening of
12 each regular session, the department of human resources
13 development shall submit a report to the legislature on:
- 14 (1) The status and efficiency of telework and alternative
15 work schedules pursuant to this section; and
- 16 (2) Recommendations for specific budget requests to fund
17 information technology, software, telecommunications
18 connectivity, expansion of broadband Internet access,
19 additional telephone lines, online collaborative
20 tools, and other equipment or services necessary to



1 increase telework and use of alternative work
2 schedules.

3 (f) As used in this section:

4 "Alternative work location" means approved locations other
5 than the employee's central workplace where official state
6 business is performed, including employee homes and satellite
7 offices.

8 "Alternative work schedule" means a schedule that is
9 different from the standard forty-hour workweek schedule, if the
10 schedule is deemed to promote efficient agency operations. An
11 alternative work schedule may include four days of ten-hours
12 each, rotational shifts, and large-scale job sharing.

13 "Central workplace" means an employer's place of work where
14 employees would normally perform their work duties.

15 "Telework" means a work arrangement in which a supervisor
16 directs or permits an employee to perform the employee's usual
17 job duties away from the central workplace at least one day per
18 week and in accordance with a work agreement.

19 "Work agreement" means a written agreement between an
20 employer and employee that details the terms and conditions of
21 the employee's work away from a central workplace."



S.B. NO. 830

1 SECTION 3. New statutory material is underscored.

2 SECTION 4. This Act shall take effect on July 1, 2021.

3

INTRODUCED BY: Rosalyn H. Baker



S.B. NO. 830

Report Title:

Telework; Telecommuting; Alternative Work Schedule; Work From Home

Description:

Requires each department to establish a telework and alternative work schedule policy. Establishes a minimum percentage of eligible employees who are required to telework or use an alternative work schedule policy. Where feasible, requires departments to allow employees who act as a caregiver to telework or use an alternative work schedule.

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

