



DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

News Release

LINDA LINGLE
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HAWAII FAMILY LEAVE ADMINISTRATIVE RULES ADOPTED

HONOLULU – Governor Linda Lingle has approved the Department of Labor and Industrial Relation’s (DLIR) Administrative Rules for the “Administration and Enforcement of the Family Leave Law” which will become effective on February 3, 2005. The Hawaii Family Leave Law, Chapter 398, Hawaii Revised Statutes, provides employees who work for establishments with 100 employees or more, up to four weeks annually of protected family leave to care for a child, spouse, parent, or reciprocal beneficiary with a serious health condition or upon the birth or adoption of an employee’s child.

Protected family leave means the employee will be able to return to the position or an equivalent position held before the leave without any penalty. The four weeks can be taken intermittently or at one time, and may use up to ten days paid sick leave, unpaid time off, or a combination of both. Employers can require certain notice requirements and certification of a serious health condition from a health care provider.

DLIR has developed an optional form for certification of a serious health condition that can be downloaded from the Department website (www.Hawaii.gov/labor).

Although the Legislature approved the State family leave law in 1991, no administrative rules were enacted. The enacted rules will: (1) establish definitions to be used in the chapter; (2) clarify applicability of the law to employers and employees; (3) clarify the new sick leave requirement; (4) establish complaint, investigation and hearings procedures; and (5) where applicable, provide consistency with the federal Family and Medical Leave Act of 1993.

"The Family Leave Law rules should provide both employees and employers a better understanding of how family leave can operate in their own environment," said Nelson B. Befitel, Director of Labor and Industrial Relations. "It also brings transparency in the way we interpret and administer our family leave law." Befitel urged people to check the Department website www.dlir.state.hi.us to find a copy of the new administrative rules.

The enforcement of the Hawaii Family Leave Law is the responsibility of the DLIR's Wage Standard Division. Employees may file a complaint related to the Hawaii Family Leave Law at the Keelikolani Building, 830 Punchbowl Street, Room 340.

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