

 HAWAII HEALTH SYSTEMS CORPORATION <i>Quality Healthcare for All</i> POLICY	Department: Human Resources	Policy No. HR 0012A
		Supersedes Policy No.
Subject: FAMILY LEAVE	Approved By: <i>donna mccleary</i>	Approved Date: January 27, 2022
	HHSC Board of Directors By: Donna McCleary, M.D. Its: Secretary/Treasurer	Last Reviewed: October 22, 2021

I. PURPOSE:

To implement Chapter 398, Hawaii Revised Statutes titled “Family Leave” (“HFLA”) and the Federal Family and Medical Leave Act of 1993, Public Law 103-3 (“FMLA”), which entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons. This policy applies to all employees who meet the family leave eligibility requirements.

If you have any questions or would like more information regarding this policy, contact the Corporate Human Resources office or Regional Human Resources offices.

II. DEFINITIONS:

For the purposes of administering this policy, the following definitions shall apply:

“**Child**” means an individual who is a biological, adopted, foster, stepchild, or a legal ward of an employee:

FMLA: A “Child” is under the age of 18 years or 18 years or older and incapable of self-care due to a mental or physical disability at the time FMLA leave is to commence. “Child” can also include a child of a person standing in loco parentis. There is no age limitation for military family leave.

HFLA: There is no age limit for a “Child” except as imposed by a court under the terms of a foster care order.

“**Eligible Employee**”:

FMLA: An employee who: has been employed by HHSC for at least twelve months (need not be consecutive); has worked at least 1,250 hours over the previous 12 month period immediately preceding commencement of the leave; and is employed at a worksite where at least 50 employees are employed by HHSC within 75 miles of that worksite.

HFLA: An employee employed by HHSC for at least six (6) consecutive months without a break due to resignation, termination, or layoff.

“**Parent**”:

FMLA: A biological parent or an individual who stands or stood in loco parentis to an employee when the employee was a child as defined above.

HFLA: A biological, foster or adoptive parent, a parent-in-law, a stepparent, a legal guardian, a grandparent, or a grandparent-in-law.

“Serious Health Condition”:

FMLA: An illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. “Serious Health Condition” does not mean medical examinations, such as a physical, or to common medical conditions, such as an upset stomach, unless complications develop.

HFLA: A physical or mental condition that warrants the participation of the employee to provide care during the period of treatment or supervision by a health care provider, and: (1) involves inpatient care in a hospital, hospice, or residential health care facility; or (2) requires continuing treatment or continuing supervision by a health care provider.

“Spouse”:

FMLA: Husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides.

HFLA: Husband or wife as recognized under Chapter 572, HRS, relating to marriage in Hawaii.

Reciprocal beneficiaries are covered under the HFLA but must be registered with the State and hold a valid certificate of reciprocal beneficiary relationship.

Refer to the appropriate authority as listed below for additional definitions.

III. POLICY:

HHSC shall provide Eligible Employees job-protected leave in accordance with Chapter 398, Hawaii Revised Statutes titled “Family Leave” (the “HFLA”) and the Family and Medical Leave Act of 1993, Public Law 103-3 (the “FMLA”).

IV. AUTHORITY:

- Hawaii Revised Statutes Chapter 398, Family Leave
- Hawaii Administrative Rules, Title 12, Chapter 27
- Family and Medical Leave Act of 1993
- Code of Federal Regulations Title 29, Part 825

V. RELATED PROCEDURE(S):

HR 0012B

VI. REFERENCE(S):

None