

Hawaii Leave Laws

This material is for general informational purposes only and does not constitute legal advice. For current and accurate guidance, please consult legal counsel in your jurisdiction.

Hawaii Leave Laws	1
Paid Time Off (PTO) in Hawaii	2
Leave Quota	2
PTO Accrual	2
Roll Over	3
Statutory Provisions Addressing Vacation Pay	3
Payment of Accrued, Unused Vacation on Termination	3
Payout	4
Sick Leave in Hawaii	4
Federal Laws – Leave Quota	4
Hawaii State Laws	5
Maternity, Paternity, FMLA in Hawaii	5
Federal law	5
Additional State Laws in Hawaii	6
The Hawaii Family Leave Law (HFLL)	6
Hawaii’s Temporary Disability Insurance (TDI)	7
Which employers must comply with the law?	7
Who Is Eligible for Paid Leave?	7
How Much Do Employees Receive?	8
How Long Does Paid Leave Last?	8
Payout	9
Bereavement Leave in Hawaii (Funeral Leave)	9
Jury Duty Leave in Hawaii	9
Military Leave in Hawaii	10
Voting Leave in Hawaii	11

Paid Time Off (PTO) in Hawaii

Hawaii does not have state laws that govern PTO.

Leave Quota

Hawaii law requires 0 vacation days. Employers aren't required to provide vacation leave.

In Hawaii, employers aren't required to give employees vacation benefits, either paid or unpaid. Suppose an employer chooses to offer such benefits. In that case, it must comply with the terms of its established policy or employment contract. An employer must provide employees with written notice of the terms of its vacation policy. Haw. Rev. Stat. 388-7.

It's common for employers to offer paid vacation leave because it's one of the most desired perks for employees.

PTO Accrual

Accrual is not obligatory in Hawaii but is widely used by companies. An employer can cap (set the limit of) the PTO.

Companies are free to implement their own schedules for vacation accrual. For instance, company policy could provide that an employee accumulates 1 vacation day per month or a certain number of hours per pay period.

An employer may cap (set a limit on) the amount of leave an employee may accrue to prevent an employee from accruing vacation over a certain number of hours. This is also an excellent way to encourage employees to use their vacation time regularly.

No federal or state law in Hawaii requires employers to pay out an employee's accrued vacation, sick leave, or other paid time off (PTO) at the termination of employment.

Roll Over

The Use-It-or-Lose-It policy is not forbidden. An employer isn't obligated to let employees roll over unused leave into the next year.

Employers in Hawaii can adopt a "Use-It-or-Lose-It" vacation policy. A Use-It-or-Lose-It vacation policy is where an employer doesn't have to pay employees for unused vacation leave at the end of the year. Consequently, an employee loses all remaining vacation days, unpaid.

Statutory Provisions Addressing Vacation Pay

No state statutes.

There are no state statutes in Hawaii connected to vacation pay. Hawaii doesn't have any state laws handling the payout of vacation time.

Payment of Accrued, Unused Vacation on Termination

Hawaii has no laws governing termination pay.

Since no laws govern whether earned, unused vacation is paid on separation, an employer's policy or employment contract is crucial. So, an employer may establish a policy or agreement that prohibits employees from paying for accrued, unused vacation at the end of the employment relationship.



An employer must pay an accrued vacation to an employee upon separation from employment only if the company’s policy or contract requires it.

Payout

Hawaii law doesn’t obligate employers to pay accrued but unused vacation time to employees when they leave their jobs.

Manage All Employee Time Off In Minutes, Not Days

- ✓ Slack, Teams, and Calendar integrations
- ✓ Custom leave rules, accruals, and public holidays
- ✓ Compliant with Leave Laws in every location
- ✓ Rollout in 15 minutes, with live setup call

[Start your free trial ↗](#)

Notification: Maren Schleifer has submitted a leave request that requires your attention. Madelyn Dorwart will be on leave during the same period. [See In Calendar](#)

Pending requests:

Request Type	Days	Start Date	End Date	Deny	Approve
Work from home	2 days	Jan 24th 2025	Jan 26th 2025	Deny	Approve
Vacation	4 days	Jan 26th 2025	Jan 30th 2025	Deny	Approve
Sick Day	1 day	Jan 24th 2025	Jan 24th 2025	Deny	Approve

Approvers:

- First level: [User 1], [User 2], [User 3], [User 4]
- Second level: [User 5], [User 6]

Sick Leave in Hawaii

Federal law requires up to 12 weeks of unpaid sick leave. No other state sick leave laws.

Federal Laws – Leave Quota

The FMLA provides up to 12 weeks of unpaid job-protected leave.

The Family and Medical Leave Act (FMLA) entitles qualified employees to take up to 12 weeks off work for personal medical reasons, to care for a close family member who is ill, or for maternity or paternity leave.

For more information, please visit vacationtracker.io

FMLA benefits are available to employees who:

- have completed 1,250 hours or at least 12 months of employment with their employer (at least 25 hours per week)
- work in a location where the company has at least 50 employees (in a 75-mile radius)

It is up to each employer to propose sick leave benefits that go beyond the minimum federal requirements.

Hawaii State Laws

Eligible employers in Hawaii must follow FMLA, but there are no additional sick leave laws. Employers in Hawaii aren't required to provide either paid or unpaid sick leave. Still, they must comply with established policies in their employee handbook if they decide to implement one.

Employers in Hawaii should only pay closer attention to the Hawaii Family Leave Law and the Temporary Disability Insurance (TDI), which we will discuss in the Maternity section.

Maternity, Paternity, FMLA in Hawaii

Federal law

Employers must provide 12 weeks of unpaid family leave.

The Family and Medical Leave Act (FMLA) requires employers to provide employees in the private or public sector with 12 weeks of unpaid family leave following the birth or adoption of a child. Unless otherwise authorized by the employer, this leave must be taken continuously.

Another federal law covering new mothers is the Pregnancy Discrimination Act (PDA). This law prohibits discrimination based on pregnancy in any aspect of employment, including hiring, discharge, promotions, and fringe benefits. This applies to companies that have 15+ employees.

Additional State Laws in Hawaii

Up to 4 weeks of unpaid leave under Hawaii's Family Leave Law (HFLL). Paid leave by Temporary Disability Insurance (TDI).

In addition to the Family and Medical Leave Act (FMLA) and the Pregnancy Discrimination Act, Hawaii has the following laws regarding Maternity and Paternity Leave:

The Hawaii Family Leave Law (HFLL)

Up to 4 weeks of unpaid leave.

The law applies to private employers who employ 100 or more employees on each working day for at least twenty calendar weeks in the current or previous calendar year.

In accordance with Hawaii's Family Leave Law and regulations, an employee may be entitled to up to 4 weeks of unpaid leave each calendar year to attend to the birth or adoption of a child, or to take care of a parent, child, spouse, or other beneficiary who

has a severe health condition. It only doesn't apply to an employee's health needs or the placement of a foster child.

Employees who have worked for 6 consecutive months for the employer, regardless of the time they worked per day, are eligible for leave.

Check out [the official government website](#) for more questions on the Hawaii Family Leave Law (HFLL).

Hawaii's Temporary Disability Insurance (TDI)

The TDI program provides eligible employees with partial wages during their leave because of a temporary disability caused by pregnancy and childbirth.

If paid leave is less than four weeks, the additional period of leave may be unpaid. Employees may decide to substitute any of their accrued paid leaves (sick, vacation, personal, or family leave) for any part of the four-week period.

The TDI program doesn't provide job protection.

Which employers must comply with the law?

Almost every employer is required to provide Temporary Disability Insurance coverage for their employees working in Hawaii. The state doesn't give state-administered TDI benefits; instead, it requires every employer who is considered a covered employer under the TDI Law to provide benefit coverage in accordance with the law.

Who Is Eligible for Paid Leave?

To be eligible for the TDI program, an employee must:

- have had 14+ weeks of employment in the state (14 weeks doesn't have to be consecutive and can be with one or more employers)
- have worked at least 20 hours and been paid at least \$400 during these weeks

How Much Do Employees Receive?

The employer's plan determines the amount an employee will receive.

Suppose the state's Disability Compensation Division approved the employer's plan as an equivalent or "better-than-statutory" one. In that case, the employee's pay will be determined by the plan's terms.

On the other hand, suppose the employer has a "statutory" plan (one that provides the minimum benefits under the law). In that case, an employee will receive 58% of their regular weekly wages, up to a maximum amount that changes yearly. [For 2022, this amount is \\$697.00.](#)

How Long Does Paid Leave Last?

The same scheme as above for payment determines how much time an employee may take off. The employer's plan governs as long as it is equivalent to or better than the statutory minimum. Otherwise, an employee is entitled to up to 6 months per year.

But the duration spent physically disabled because of pregnancy or childbirth is usually 6-8 weeks.

Check out [the official government website](#) for more information about Temporary Disability Insurance (TDI)

Payout

Employers may bear all of the expense of offering TDI coverage, or they may split it equally with the eligible employees. Employee contributions cannot exceed 0.5% of weekly wages, or the maximum weekly deduction of \$6.00 based on the state's base wage of \$1,200.30.

Bereavement Leave in Hawaii (Funeral Leave)

Employers not required to give bereavement leave.

No federal or Hawaii state law requires an employer to provide employees with bereavement leave, paid or unpaid, or time off to organize or attend a close family member's funeral. In case an employer decides to give bereavement leave to employees, they may be required to do it according to a bereavement policy they have in place.

Payout

Bereavement leave in Hawaii is unpaid.

Jury Duty Leave in Hawaii

Employers must provide job-protected unpaid leave.

Although employers are not required to, they may choose to pay employees for time served on a jury.

An employer may not terminate, threaten, or otherwise coerce an employee who accepts a summons, answers it, serves as a juror, or attends court for jury service.

Payout

The court pays:

Employees who serve as jurors in Hawaii are paid \$30.00 a day, and receive a mileage reimbursement of \$0.33 per mile.

The employer pays:

Employers in Hawaii aren't required to pay employees for jury duty leave.

Military Leave in Hawaii

Employers must provide unpaid leave for military members.

Employers in Hawaii have to provide military leave following the Uniformed Services Employment and Reemployment Rights Act (USERRA). Members of the Army and Air National Guard called to active duty for federal service are protected by USERRA. An employer can't discharge or discriminate against employees based on their military service.

Employees serving in the state National Guard are entitled to the same benefits, including leave and reinstatement rights, as those guaranteed by USERRA.

National Guard members in Hawaii are entitled to unlimited unpaid leave for National Guard service, as well as reemployment in their original positions or positions of comparable seniority, status, and pay. Employees may not be fired without cause within

For more information, please visit vacationtracker.io

one year of reemployment. Employers must offer other positions that are closest to the seniority, status, and pay of the employees' original positions if National Guard members are no longer qualified due to disabilities sustained during service.

Discrimination against employees because of their National Guard obligations is also prohibited under Hawaii law.

“Military Caregiver Leave” is also covered under the FMLA. It may permit an employee to take up to 26 work weeks of unpaid leave in a “single 12-month period” to care for a military relative (spouse, child, parent, or next of kin) who has suffered a serious illness or injury while serving on active duty.

Payout

Military leave is unpaid.

Voting Leave in Hawaii

Up to 2 hours of paid leave for the employees to perform their voting duty.

Hawaii laws require employers to provide up to two hours of paid time off for voting leave if the polls are closed for a period of at least two hours (excluding lunch or rest periods) prior to or following the employee's shift. An employer is not required to provide voting leave if an employee has two consecutive hours of non-working time (excluding lunch or rest periods) while the polls are open.

Proof of voting is required. The employee must show a voting receipt, otherwise, employers may deduct hours off from pay.



Employers are not permitted to reschedule the employee's hours or deduct wages unless the employer can prove that the employee did not vote while on voting leave.

Payout

Voting leave is paid. An employer pays a regular wage to an employee while he or she is taking time to vote.