

Overview of Family and Medical Leave Act and Hawaii Family Leave Law Chart

	Family and Medical Leave Act (FMLA)	Hawaii Family Leave Law (HFLL)
Who is eligible?	All Department of Education (DOE) employees with 12 months of cumulative employment and a minimum of 1,250 hours of service (employee must be at least 62.5% FTE) in the previous 12-month period	All DOE employees with at least 6 months of consecutive employment (in-service)
When can leave be used? HFLL leave will run concurrently with FMLA leave for these situations: Serious health condition of spouse, child, or parent; birth and bond of a newborn child; and placement of a child for adoption	<p>Serious health condition of:</p> <ul style="list-style-type: none"> • Employee (self) • Spouse • Child – Biological, adopted, or foster child; stepchild; legal ward of the employee; a child of a person standing in loco parentis; either under the age of 18, or age 18 or older <u>and</u> incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence • Parent – Biological, adoptive, foster, or step parent; or any other individual who stood in loco parentis to the employee when the employee was a child; does not include parents “in-law” <p>Birth and to bond with a newborn child (expires after 12 months after the birth)</p> <p>Placement of child for adoption or foster care (expires 12 months after the placement of child)</p> <p>Military qualifying exigency leave</p> <p>Military caregiver leave*</p>	<p>Serious health condition of:</p> <ul style="list-style-type: none"> • Spouse • Civil union partner • Reciprocal beneficiary (as registered with the Department of Health) • Child (any age) – Biological, adopted, or foster child; stepchild; legal ward of the employee • Parent – Biological, adoptive, foster, or step parent; parent-in-law; legal guardian • Sibling – Biological, adopted, foster brother or sister; or stepbrother or stepsister of an employee • Grandparents, grandparent-in-law • Grandchild <p>Birth and to bond with a newborn child (expires after 12 months after the birth)</p> <p>Placement of child for adoption (expires 12 months after the placement of child)</p>
How much leave can be taken?	Up to 12 weeks (equivalent to 60 workdays) of leave without pay (LWOP) per 12-month period measured from the first date of leave *For military caregiver leave, up to 26 weeks (equivalent to 130 workdays) of LWOP per 12-month period measured forward from the first date of leave	Up to 4 weeks (equivalent to 20 workdays) of leave with pay (if available) and/or LWOP per 12-month period measured forward from first date of leave When taking leave with pay under HFLL, the paid leave shall be applied first, then leave without pay (LWOP) for the remainder of the leave
How can leave be taken?	Continuously; reduced schedule (reducing the same amount of time worked each day or week; follow normal leave use provisions); intermittently	
Forms to submit to Office of Talent Management (OTM) for LWOP only	Form DOE G-1 or Form DOE OTM 300-001; and Form WH-380-E (for employee), WH-380-F (for care for family member), WH-384 (military qualifying exigency leave), WH-385 (care for servicemember), WH-385-V (care for veteran or military caregiver leave) Health care provider documentation certifying date of childbirth; legal documentation of the date of placement for adoption or foster care of a child	Form DOE G-1 or Form DOE OTM 300-001; and WH-380-F (for care for family member) Health care provider documentation certifying date of childbirth; legal documentation of the date of placement for adoption of a child