DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT

AMENDMENTS TO CHAPTER 14-52
HAWAII ADMINISTRATIVE RULES

May 31, 2002

SUMMARY

1. §14-52-2 is amended.

2. §14-52-26 is amended.

3. §14-52-28 is amended.

§14-52-2 Definitions.

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"Eligible employee" means a person who is an employee of:

(1) The state executive branch; or

(2) A jurisdiction that is approved by the director to participate in the plan;

and who is eligible to participate in the State of Hawaii employees' retirement system.

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"Jurisdiction" means an agency of the State or any of its political subdivisions.

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[Eff 9/13/99; am JUN 13 2002 ] (Auth: HRS §78-61) (Imp: HRS §78-61)

§14-52-26 Participation in the dependent care expense reimbursement account while on unpaid leve of absence, unpaid FMLA leave, vacation leave, sick leave, or other paid leaves.

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(c) A participant in the dependent care expense reimbursement account who takes unpaid leave of absence or unpaid FMLA leave of ten (10) or more working days may elect to change or cancel the dependent care expense reimbursement account elected benefits in accordance with section 14-52-28. A participant who cancels participation in the dependent care expense reimbursement account and returns from the unpaid leave or unpaid FMLA leave during the same plan year, may recommence participation in the dependent care expense reimbursement account in accordance with section 14-52-20. [Eff 9/13/99; am JUN 13 2002 ] (Auth: HRS §78-61) (Imp: HRS §78-61)

§14-52-28 Change or cancellation of elected benefits. (a) Except as otherwise provided in this chapter, once an eligible employee has elected benefits under the plan and the plan year has begun, the eligible employee may not change or cancel the elected benefits unless there is a change in status authorized under the Code. Examples of a change in status authorized under the Code include, without limitation:

(1) A change in legal marital status (including marriage, death of a spouse, divorce, legal separation, or annulment);

(2) A change in the number of dependents (including birth, adoption, death of a dependent, or placement for adoption);

(3) A change in employment status of the employee, the employee's spouse, or the employee's dependent, (including commencement or termination of employment, a strike or lockout, commencement of or return from an unpaid leave of absence, or a change in worksite);

(4) A change that causes an employee's dependent to satisfy or cease to satisfy eligibility requirements for coverage (including attaining age, student status, or any similar circumstance); or

(5) A change in residence of the employee, spouse, or dependent.

(b) To change or cancel elected benefits, a participant shall submit a written request on a form prescribed by the director to the third-party administrator fully describing the change in status, within ninety (90) days of the change in status.

(1) An allowable change in elected benefits shall be effective on the first day of the month following the third-party administrator's receipt and approval of the required forms and shall be consistent with the status change.

(2) The cancellation of elected benefits or an election of new benefits may be made by a

participant only for the remainder of the plan year, shall be effective prospectively, shall be consistent with the status change, and shall be done in accordance with this chapter. An allowable cancellation of elected benefits shall be effective on the last day of the month following the third-party administrator's receipt and approval of the required forms. [Eff 9/13/99; am JUN 13 2002 ] (Auth: HRS §78-61)(Imp: HRS §78-61)

DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT

Amendments to chapter 14-52, Hawaii Administrative Rules, on the Summary page dated May 31, 2002, were adopted on May 31, 2002, following a public hearing held on May 20, 2002, after public notice was given in the Honolulu Star Bulletin, the Hawaii Tribune Herald, the West Hawaii Today, the Maui News, and the Garden Isle.

These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.

Director, Department of
Human Resources Development

APPROVED AS TO FORM:

Deputy Attorney General

BENJAMIN J. CAYETANO
Governor
State of Hawaii

Date: 5/31/02

JUN 03 2002
Filed

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LIEUTENANT GOVERNOR
OFFICE