



**STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

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January 30, 2008

To: The Honorable Josh Green, Chair  
and Members of the House Committee on Health

The Honorable Maile Shimabukuro, Chair  
and Members of the House Committee on Human Services and Housing

Date: February 1, 2008

Time: 8:00 a.m.

Place: Conference Room 329, State Capitol

From: Darwin L.D. Ching, Director  
Department of Labor and Industrial Relations

**In Opposition  
to  
RE: H.B. 2520 – Relating to Caregivers**

**I. OVERVIEW OF CURRENT PROPOSED LEGISLATION**

House Bill 2520 proposes to amend the Temporary Disability Insurance (“TDI”) Law, Chapter 392, Hawaii Revised Statutes, (“HRS”), and the Hawaii Family Leave Law, Chapter 398, HRS to permit an eligible employee to collect up to 4 weeks of temporary disability insurance benefit payments to care for a family member with a serious health condition.

**II. CURRENT LAW**

**TDI Law**

The Disability Compensation Division (“DCD”) currently administers Chapter 392, HRS, which requires employers to provide benefits to eligible employees who are unable to work due to non-work related injuries or illnesses. Employers may adopt one of the following methods of providing TDI benefits:

1. By purchasing insurance from an authorized insurance carrier (called an insured plan)

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Insured plans provide statutory benefits as required by law. Benefits are paid at 58% of an employee's average weekly wage after a 7-consecutive day waiting period for a maximum of 26 weeks.

2. By adopting a sick leave policy which must be approved by DCD (called a self-insured plan). DCD will evaluate the disability benefits using the Equivalency Tables established by the Insurance Division which takes into consideration four components of the plan – waiting period for illness, waiting period for accident, duration of benefits and percentage of wage loss replaced.

Employers with self-insured plans usually use some form of salary continuation to comply with Hawaii's TDI law. Some examples of plans that have been approved are:

- a. No waiting period, benefits paid at 100% of employees' wages for accident or illness for duration of three weeks. This is the most popular self-insured plan and is a form of salary continuation (State employees have this plan).
  - b. Seven-day waiting period, benefits paid at 75% of average weekly wage for eight weeks, then benefits are reduced to 58% and continues for another eight weeks for a total of 16 weeks.
3. By a collective bargaining agreement, which provides benefits at least as favorable as required by the TDI law and approved by DCD.

Most of the collectively bargained plans combine the employees' sick leave benefits with a statutory TDI policy. For example, the employees are required to exhaust their sick leave first and thereafter, an authorized TDI carrier pays regular TDI benefits.

Most of the self-insured plans or collectively bargained agreements are better than what is required by law. Regardless, plans other than statutory must meet the equivalency provision of the TDI law and obtain approval from DCD. As shown by the above examples, benefits can range from 58% to 100% of wages, with no waiting periods to waiting periods of 7-consecutive days and for duration of three weeks to 26 weeks.

TDI benefits are provided only to eligible employees and must meet certain minimum standards for the employer's plan to be approved. To be eligible for benefits, employees must have been in Hawaii employment at least 14 weeks during each of which the employees were paid for 20 hours or more in the 52-week period preceding the onset of

the employees' disability. There is no guarantee of job retention for employees who go out on TDI.

### **Hawaii Family Leave Act ("HFLA")**

The Wage Standards Division ("WSD") administers the Family Leave Law, Chapter 398, HRS, which applies to employers with 100 or more employees. Currently, the HFLA provides eligible employees up to four (4) weeks of family leave per year, which may consist of unpaid leave, paid leave, or a combination of paid and unpaid leave.

The HFLA currently provides that family leave may be used for the birth or adoption of a child or the care for the employee's reciprocal beneficiary, child, spouse, or parent with a serious medical condition.

Moreover, under recent amendments to the HFLA, employers are (1) required to allow eligible employees to use up to ten (10) days per year of their accrued sick leave for any purposes listed in the HFLA; and (2) allow employees the sole discretion of substituting any portion of their accrued vacation, personal, or paid leave for any part of the four weeks of family leave granted under the HFLA.

### **III. HOUSE BILL**

The Department opposes H.B. 2520 for the following reasons:

1. The Department questions the need for such a program given that the State of Hawaii already allows employees that qualify to utilize up to ten (10) days per year of their accrued sick leave for any purposes listed in the HFLA. Additionally, employees are given the sole discretion of substituting any portion of their accrued vacation, personal, or paid leave for any part of the four weeks of family leave granted under the HFLA.

The Department notes that the existing Hawaii Family Leave Act provides generous options for employees seeking to balance work and family.

2. Employers should not be mandated to provide wage replacement benefits for employees unable to work due to family situations.

The application of TDI benefits to able employees who need to **care for family**

**members** with a serious health condition is contrary to the intent of the TDI law, which is to provide partial **wage replacement to employees who become disabled** due to non-work related injuries or illnesses.

3. This measure will increase the cost of doing business in Hawaii.

The use of TDI benefits other than for the disabled employees is inconsistent with the purpose of the existing TDI insurance policies underwritten by the authorized TDI carriers. The current TDI coverage rate structure is actuarially designed to align TDI premiums with actual plan utilization. If the TDI carriers are required to cover able employees' time loss to care for family members with serious medical conditions other than only those eligible and insured employees who become disabled, the TDI policy and premium rate structure must be adjusted to accommodate payment of benefits to family caregivers. The increase in premium rates would increase the burden on businesses since under TDI, the employees share of insurance premiums is limited to .5% of their wage.

4. The use of TDI benefits for family members may result in reduced or no benefits at all for eligible employees who may subsequently suffer time loss for their own disability. Not all short-term disability plans offered by employers provide only statutory benefits. The TDI benefits can range from 100% of the disabled employees' average weekly wages (AWW) from the first day of disability for three weeks to the statutory benefits of 58% of the AWW after a 7-consecutive day waiting period for a maximum of 26 weeks within any benefit year.
4. The "conformity with other laws" provision for the Family Leave Law, Chapter 398 defers conflicts between chapters to provisions under Chapter 392, the TDI Law, which may lead to inconsistencies in the administration of each law.
  - a. All employers, regardless of size, with eligible employees are subject to the Chapter 392, the TDI Law, but only employers with 100 or more employees are subject to the State Family Leave law. Thus, all employees eligible for TDI benefits would be entitled to family care giver benefits.
  - b. A family member's "serious health condition" is not defined in the TDI law and is defined in Section 398-1. Therefore the Chapter 398 definition would apply.
  - c. Family leave can be paid or unpaid, whereas TDI is all paid leave after a waiting period, if applicable. Therefore, all employees eligible for TDI

would be paid family care giver benefits under the TDI law.

- d. Chapter 398, the Family Leave Law provides job protection while Chapter 392, the TDI Law does not. Therefore family care givers would not have job protection.



All America Chapter - Hawaii Division  
418 Kuwili Street, #105  
Honolulu, Hawaii 96817

Phone: 808- 532-0806  
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To: Representative Josh Green, MD, Chair  
Representative John Mizuno, Vice Chair  
COMMITTEE ON HEALTH

Representative Maile SL Shimabukuro, Chair  
Representative Karl Rhoads, Vice Chair  
COMMITTEE ON HUMAN SERVICES & HOUSING

From: Lyn Moku, Division Manager Phone: 532-0806

Date: Friday, February 1, 2008

Subject: **SUPPORT OF HB 2520 RELATING TO CAREGIVERS**

The National Multiple Sclerosis Society supports HB 2520 Relating to Caregivers that amends the temporary disability insurance law to permit an eligible employee to collect up to 4 weeks of temporary disability insurance benefit payments to care for a family member with a qualifying disability.

Multiple sclerosis is a chronic, often disabling disease of the central nervous system. Symptoms of MS are unpredictable and vary from person to person and from time to time in the same person. They range from tingling to blindness and paralysis. While some symptoms will come and go over the course of the disease, others may be more lasting. Most people with MS are diagnosed between the ages of 20 and 50, with more than twice as many women as men being diagnosed with the disease. Historically viewed as an adult-onset disease, cases of childhood MS in Hawaii and the Nation have been recorded and are steadily growing. MS is not a fatal disease. Most people with MS have a normal or near-normal life expectancy. Care recipients and care givers are aging. They are caring for their children, spouses, and their aging parents or relatives.

Comprehensive assessments on this issue have been prepared and submitted by experts, so I am addressing some of the personal issues people have to deal with. For the employed family member caring for a loved one with MS or a serious health condition, having a wage replacement benefit like temporary disability insurance could have a substantial impact on everyone in the family. Having paid family leave could make a difference between keeping or losing one's job, paying the rent, and providing the most basic necessities -- not only for the care recipient, but for everyone in the family.

With the high cost of living in Hawaii most people have to work. They are working longer and may have more than one job. The labor market is tight; baby boomers are nearing retirement, so *being able* to work is good for everyone (individuals, families, businesses, the economy and the State). It is becoming increasingly difficult to pay for all of the services people with chronic diseases and serious health conditions require. There lies the need for family caregivers to maintain their jobs and their "wages"... *and provide care to their family members.*

The value of the family caregiver is grossly underestimated by anyone who has not been a caregiver or a care recipient. Most people would rather age in place, living in their own homes and having access to the care they need at an affordable cost. Caregivers provide a service that saves the family and the State a lot of money. There is a similar relationship between an employer and an employee. They need each other to survive; they both have great value; they impact everyone. Family caregivers, care recipients, and Society are in a mutually beneficial situation. Everyone can win.

The proposed Bill does not change the existing temporary disability insurance law except to include provisions for reasonable compensation for wage loss caused by the need to care for a family member with a serious health condition. Providing the same benefits to family caregivers will allow them to continue working and caring for their family members without further straining family and/or personal finances. The physical, emotional and financial impact of caregiving is tremendous. The proposed changes in this Bill will help alleviate some of the burden for those will be benefit from lost wages while caring for their families.

Please support HB 2520. Thank you for the opportunity to testify in favor of this Bill.

###



**HAWAII GOVERNMENT EMPLOYEES ASSOCIATION**

AFSCME LOCAL 152, AFL-CIO

888 MILILANI STREET, SUITE 601 • HONOLULU, HAWAII 96813-2991



Randy Perreira *Executive Director*  
Tel: 808 543-0011 Fax: 808 528-0922

Nora A. Nomura *Deputy Executive Director*  
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Derek M. Mizuno *Deputy Executive Director*  
Tel: 808 543-0055 Fax: 808 523-6879

The Twenty-Fourth Legislature, State of Hawaii  
Hawaii State House of Representatives  
Committee on Health  
Committee on Human Services

Testimony by  
Hawaii Government Employees Association  
February 1, 2008

H.B. 2520 – RELATING TO CAREGIVERS

The Hawaii Government Employees Association supports the purpose and intent of H.B. 2520. The purpose of this bill is to amend the Temporary Disability Insurance (TDI) law (Chapter 392, HRS) by allowing an employee to collect up to four weeks of TDI benefit payments to care for a family member who suffers a “serious health condition,” as defined in Section 398-1 HRS (family leave law).

The proposed changes to Chapter 392, HRS, maintain the existing eligibility for benefits, excluded services, waiting period, weekly benefit amount and other features. However, now, in addition to being able to collect TDI benefits if the eligible employee suffers a qualifying disability, the employee can use up to four weeks of the 26 weeks of TDI benefits if the family member has a “serious health condition.” Providing wage replacement benefits is an appropriate and productive means of supporting family caregivers.

Thank you for the opportunity to present testimony in support of H.B. 2520.

Respectfully submitted,

Nora A. Nomura  
Deputy Executive Director

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TO : COMMITTEE ON HEALTH  
Rep. Josh Green, M.D., Chair  
Rep. John Mizuno, Vice-Chair

COMMITTEE ON HUMAN SERVICES & HOUSING  
Rep. Maile S.L. Shimabukuro, Chair  
Rep. Karl Rhoads, Vice-Chair

FROM: Eldon L. Wegner, Ph.D.  
POLICY ADVISORY BOARD FOR ELDER AFFAIRS (PABEA)

HEARING: 8:00 am, Friday, February 1, 2008  
Conference Room 329, State Capitol

SUBJECT: HB 2520 RELATING TO CAREGIVERS

PURPOSE: Amends the TDI law to permit an eligible employee to collect up to 4 weeks of temporary disability insurance benefit payments to care for a family member with a qualifying disability.

POSITION: The Policy Advisory Board for Elder Affairs **strongly supports approval** of HB 2520 which would create 4 weeks of paid family leave for employed caregivers meeting certain criteria through the Temporary Disability Insurance program.

RATIONALE:

The Policy Board for Elder Affairs has a statutory obligation to advocate on behalf of the senior citizens of Hawaii. While we advise the Executive Office on Aging, we do not speak on behalf of the Executive Office of Aging.



This bill is a recommendation of the Joint Legislative Taskforce on Family Caregiving, which is charged with developing comprehensive and coherent policies to support families caring for frail elderly and other disabled persons;



The proposed policy, which is based on an existing program operating in California, would provide meaningful support for persons balancing work and caregiving obligations and would increase the ability for such persons to continue in the labor force. The four weeks paid leave would enable caregivers to attend to the most urgent situations. Employers would also benefit to the degree that the policy increased retention of their experienced workers.



Surveys in 2007 of employers and of family caregivers in Hawaii provide data which support the need for assisting employed caregivers and a growing recognition by

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employers of the lost productivity due to the strains of working caregivers,

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The 2007 survey of family caregivers in Hawaii showed that 55% were balancing work and employment. They reported many strains in balancing these obligations, often resulting in absences, interruptions during work hours, leaving early, and anxieties which reduced productivity.

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Reducing hours of work, reducing work responsibilities, and passing up promotions result in substantial financial sacrifices by employed caregivers. A high proportion of unemployed caregivers also reported leaving jobs because of their obligations as caregivers, usually at great financial sacrifice to their families.

§

The proposed policy provides four paid weeks per year to enable caregivers to attend to the most urgent situations. The survey data suggest such a supportive policy would likely result in greater workforce retention, benefiting the caregiver, the employer and the general society, especially if combined with other workplace policies such as flexible hours to support caregivers.

§

The proposed policy mandates a small employee contribution to the TDI for this purpose. By spreading the cost across the entire labor force, the cost can be kept low.

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No additional financial contribution by the employer is required by this benefit. Employers themselves would benefit by increased retention of their experienced workers and perhaps greater productivity due to a reduction of the strains experienced by working caregivers.

In conclusion, paid family leave exists in California and in many other countries as a significant support to family caregivers and as an economic policy which encourages labor force participation. We believe such a policy would have positive impacts for Hawaii and the Policy Advisory Board for Elder Affairs strongly supports this bill.

Thank you for allowing me to testify on this bill.

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Laura Manis Testifier

5 copies

**COMMITTEE ON HEALTH**

Rep. Josh Green, M.D., Chair  
Rep. John Mizuno, Vice Chair

**COMMITTEE ON HUMAN SERVICES & HOUSING**

Rep. Maile S. L. Shimabukuro, Chair  
Rep. Karl Rhoads, Vice Chair

Friday February 1, 2008 8 a.m. Conference Room 329

**HB 2520 RELATING TO CAREGIVERS. Amends the temporary disability insurance law to permit an eligible employee to collect up to 4 weeks of temporary disability insurance benefit payments to care for a family member with a qualifying disability. Effective 07/01/09.**

**SUPPORT THE CONCEPT**

This testimony is being submitted on behalf Kokua Council whose mission includes advocating for the health of the elderly and those vulnerable populations who can not advocate for themselves.

**We would support this bill if there were assurances that insurance premiums would not be substantially increased.**

As our policy and the State's, we are committed to helping the frail elderly stay at home as long as possible. For this reason it is important to support the many caregivers who can make this possible.

Over 80% of caregiving is provided at home by unpaid family members and friends saving the state many millions of dollars they would otherwise expend for institutional care.

A recent research report by Pacific Research & Planning Associates stated that 55% of their sample were employed and of these, one quarter said their employment had been affected by their caregiving causing them to work reduced hours and take time off. Their salaries and benefits were effected by this.

They stated that the only benefit they received from their employers was the ability to work part-time.

This bill will help relieve the pressure on caregivers as well as the burden on long term care facilities.

Laura G. Manis, Legislative Chair, Kokua Council tel. 597-8838

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**Testimony before the House Committees on  
Health and  
Human Services & Housing**

By Julie Price  
Manager, Compensation and Benefits  
Hawaiian Electric Company, Inc.

February 1, 2008  
8:00 a.m.

HB 2520 Relating to Caregivers

Chair Green, Chair Shimabukuro, and Members of the Committees:

My name is Julie Price and I am testifying on behalf of Hawaiian Electric Company and its subsidiaries, Hawaii Electric Light Company and Maui Electric Company, against HB 2520.

Under our sick leave plan, we currently allow employees to use up to 10 days of unused sick leave from a prior year to care for a family member with a serious health condition. This is in addition to the statutory requirement to provide TDI benefits to disabled employees. Employee absences due to sickness, family leave, military leave, and vacation make it difficult for employers to maintain adequate staffing levels especially in 24/7 operations such as a utility. Providing an additional 10 days exacerbates the problem and increases operating costs.

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We respectfully urge you to hold HB 2520 in committee or consider amendments to reduce the required number of days.

Thank you for the opportunity to provide testimony on this matter.

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TO: REPRESENTATIVE JOSH GREEN, CHAIR  
HOUSE COMMITTEE ON HEALTH

REPRESENTATIVE MAILE SHIMABUKURO, CHAIR  
HOUSE COMMITTEE ON HUMAN SERVICES AND HOUSING

MEMBERS OF THE HOUSE COMMITTEES ON HEALTH AND  
HUMAN SERVICES AND HOUSING

FROM: CHERYL VASCONCELLOS, EXECUTIVE DIRECTOR  
HANA HEALTH

DATE: January 30, 2008

**TESTIMONY IN SUPPORT OF H.B. 2520**  
**RELATING TO TEMPORARY DISABILITY, PAID FAMILY LEAVE**  
**Friday, February 1, 2008**  
**8:00 a.m.**

I am speaking in support of H.B. 2520.

Currently, one in five (21%) Hana District residents is caring for an elderly parent or other family member. Half of those caring for an elderly family member do so in their own homes, thirty four percent are caring for an elderly family member who is currently living independently, and ten percent say the person they help care for lives with someone else.

Providing four weeks of TDI benefits is a cost effective approach to meeting the economic needs of persons unable to work as a result of caring for a family member in medical crisis. At the same time, it is extremely important to provide the on-going support needed by caregivers in order for them to continue in their role once the immediate/emergent medical need is resolved.

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Hana Health was the recipient of a federal Title VI, Caregiving Demonstration Grant from September 2001 through September 2005. The primary purpose of this project was to identify and train family caregivers in an effort to assist them in their capacity as caregivers, as well as to assess their on-going need for support. Ten caregivers participated in this project over a three year period.

Initially, this project included stipends for caregivers who attended training and support group meetings. Caregivers were able to use the stipends (initially \$300 per month) in any way that would assist them in caring for their family member. One participant said the stipend was critical, since she had no other source of income. Others used the stipend to provide support, medicine, etc. to their kupuna. One caregiver who worked, used the stipend to help cover lost wages resulting from her need to take off work to care for her family member. When the stipend was eliminated in year three, participation in the project dwindled to three participants.

Through this demonstration project we found that by providing direct services to the elderly, i.e. delivered meals, home health and personal care, assistive living devices including minor home improvements such as the installation of wheel chair ramps, the caregiver is relieved of an enormous amount of responsibility and was better able to cope with and fulfill their caregiving responsibilities. In effect, the caregiver is also a direct beneficiary when needed services are provided directly to the elderly for whom they are caring.

Any support that can be offered to caregivers – temporary disability benefits, adult day care facilities, home health care, chore services, respite care - will go a long way toward allowing our kupuna to age in place, while assuring the wellbeing of caregivers.

Thank you.

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To: House Committee on Health and  
House Committee on Human Services & Housing  
Testimony Date: Friday, February 1, 2008  
Time: 8 a.m.  
Conference Room 329  
Testifier: Shawn Carbrey

**Opposition to HB 2520 – Relating to Caregiving**

SHRM Hawaii is local chapter of a National professional organization of Human Resource professionals. Our 1,000+ local membership includes those from small and large companies, in every industry Hawaii has – all tasked with meeting the needs of employees and employers in a balanced manner, while ensuring compliance with laws affecting the workplace. We (HR Professionals) are the people that implement the legislation you pass, on a day-to-day front line level.

SHRM Hawaii strongly opposes HB2520 in its present form, which would use the Temporary Disability Insurance (TDI) system to give employees up to 4 weeks of paid leave to care for family members that have become seriously ill.

SHRM Hawaii believes additional research must be done, that includes working with TDI carriers, to see if 4 weeks of paid leave for caregivers is something they will and can insure. Moving forward on legislation that requires TDI underwriting, without first consulting TDI carries, invites disaster.

If the HB2520, in it's present form, is passed and we then find that TDI carriers are unable to insure 4 weeks of paid leave for caregivers, employers will be responsible for paying 100% of 4 weeks of wages without any work being performed, which will in turn hurt employees.

If TDI cannot insure the wages, employers will have to reserve substantial amounts of cash; preventing them from using that cash to give raises and additional benefits to employees. Employers forced to keep high cash reserves will prevent them from hiring additional employees or sending existing employees to training programs that will help them earn higher wages.

SHRM Hawaii respects and supports the goal of providing wage replacement options to employees taking time off from work to care for family members that become seriously ill – without involving the TDI carriers, SHRM Hawaii believes HB2520 will actually hurt workers, as it will not accomplish this goal in a way that protects wage increases and the creation of new jobs in the long term.

SHRM Hawaii respectfully urges the committee to hold HB2520 while insurance options can be studied with insurance carriers.

Thank you for the opportunity to testify. SHRM Hawaii offers the assistance of its Legislative Committee members in discussing this matter further.

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# Hawaii Aging Advocates Coalition

## Founding Organizations

City & County of Honolulu  
Elderly Affairs  
Karen Miyaki  
Craig Yamaguchi

City & County of Honolulu  
Service Providers  
Tony Wong

FACE  
Stan Bain  
Jim Howell

Hawaii Caregiver Coalition  
Tony Lenzer

HARA  
Al Hamai  
Bruce McCullough

Hawaii County Office on Aging  
Alan Parker  
Lito Asuncion

Hawaii County Service Providers  
Debra Nakaji

JACOSA  
Lyn McNeff

Kauai Agency on Elderly Affairs  
Kealoha Takahashi

Kokua Council  
Larry Geller

Maui County Office on Aging  
John Tomoso

Maui County Service Providers  
Kathy Louis

Maui Long Term Care Partnership  
Rita Barreras

PABEA  
Gary Simon  
Eldon Wegner

Co-Conveners  
Wes Lum  
Hawaii Caregiver Coalition

Harry Mattson  
Kokua Council

Testimony to the Joint House Committee on  
Health and Human Services and Housing  
Friday, February 1, 2008  
Conference Room 329; 8:00am

## RE: H.B. No. 2520, RELATING TO CAREGIVERS.

Chairs Green and Shimabukuro, and Members of the Joint Committee,

My name is Wes Lum and I am testifying on behalf of the Hawaii Aging Advocates Coalition (HAAC). **HAAC supports this measure.**

This measure amends the Temporary Disability Insurance (TDI) law to permit an eligible employee to collect up to 4 weeks of TDI benefit payments to care for a family member with a qualifying disability.

We believe that the costs of paid family leave benefits business. When you have an employer who is good to you, you stick with them. A short-term investment leads to long-term gains as satisfied, productive employees remain loyal. Investing in employees is good for business.

Additionally, paid family leave makes Hawaii a better, more attractive place for business. Paid family leave will likely attract skilled workers and therefore help, rather than hinder, Hawaii's business environment by increasing competition for workers in the marketplace.

Finally, workers should not be forced to choose between their families and their jobs. Frail older adults need care, and without government action, families will continue to suffer under the strain of trying to secure a paycheck. Employees need financial support to meet their obligations to work and eldercare.

HAAC supports this measure and asks for your favorable consideration. Thank you for the opportunity to testify.

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# HAWAII TEAMSTERS AND ALLIED WORKERS, LOCAL 996

Affiliated with the International Brotherhood of Teamsters

1817 Hart Street  
Honolulu, Hawaii 96819-3205

Telephone: (808) 847-6633  
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January 31, 2008

**JOINT HEARING OF THE HEALTH COMMITTEE  
& HUMAN SERVICES AND HOUSING COMMITTEE  
FEBRUARY 1, 2008 – 8 AM – ROOM 309**

**Testimony in Support of HB 2520 TDI; Paid Family Leave**

Dear Honorable Chairs Rep. Josh Green & Maile Shirmabukuro and Members of the Committees:

The union is supportive of legislation that will increase the ability of our members to be able to care for new, aging and seriously ill family members. While this legislation only addresses income replacement of up to 4 weeks, it is a step in the right direction. The union suggests that legislation that conforms to FMLA's 12-week duration would be the most beneficial.

As the baby boom generation retires, and the demographics of the nation tilt toward greater numbers of people in the middle and senior age brackets, there will be a greater need by members of our community to be able to care for loved ones – new and older. This need will only increase since by the year 2030 about one in 5 Americans will be 65 or more. Clearly, this demographic shift will mean a substantial transformation in how our society will address issues such as health care, working, social services, housing and transportation to name a few areas. The union agrees that legislation to address this demographic future will mitigate a lot of suffering in our community.

Hawaii Teamsters represents over 6,000 members throughout the Hawaiian Islands and Guam, and is a voice for working men and women. Thank you for allowing us to comment on this proposed legislation.

Sincerely,

Juliet Begley  
Business Agent

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Before the House Committee on Health and the  
House Committee on Human Services & Housing

DATE: February 1, 2008

TIME: 8:00 a.m.

PLACE: Conference Room 329

## HB 2520: Relating to Caregivers

My name is Melissa Pavlicek and I am the state director for the the National Federation of Independent Businesses (NFIB) in Hawaii. We oppose HB 2520 in its current form and respectfully ask that you hold this measure.

NFIB is the largest advocacy organization representing small and independent businesses in Washington, D.C. and all 50 state capitols, with more than 1,000 members in Hawaii and 600,000 members nationally. NFIB members are a diverse group consisting of high-tech manufacturers, retailers, farmers, professional service providers and many more.

NFIB agrees that caregiving is an important issue, with the potential to affect many businesses as well as families, and that the public policy questions involved should be studied carefully. We are specifically concerned that because this bill proposes wage replacement for employees out to care for parents and/or children, it potentially places an administrative burden on employers, as well as a potentially unworkable burden to verify the legitimacy of the leave, given medical privacy laws. We are concerned about whether the employer will be forced to determine whether one of two spouses or both will be eligible for the paid leave. We have significant concerns about how this will impact small businesses.

With respect to developing creative solutions to promote workplace friendly policies, such as flextime, work-at-home options, job-sharing, counseling and employer-paid services of a care manager, NFIB generally favors empowering employers to offer their employees various options, without the potential unintended consequences that mandated benefits can sometimes entail. NFIB is a key stakeholder regarding small business issues and appreciates the opportunity to be included in this very important public policy discussion. Please do not advance this measure.

841 Bishop Street, Suite 1628, Honolulu, Hawaii 96183

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**TO: HOUSE COMMITTEE on HEALTH**  
Representative Josh Green, M.D., Chair  
Representative John Mizuno., Vice Chair

**HOUSE COMMITTEE ON HUMAN SERVICES and HOUSING**  
Representative Maile S. L. Shimabukuro, Chair  
Representative Karl Rhoads, Vice Chair

**FROM:** Eudice R. Schick  
PABEA (Policy Advisory Board for Elder Affairs)

**SUBJECT: HB 2530 RELATING TO CAREGIVERS**

**HEARING:** 8 a.m. Friday, February 1, 2008, Room 329

**POSITION:** Support of House Bill 2520

I am offering testimony on behalf of PABEA, the Policy Advisory Board for Elder Affairs, which is an appointed Board tasked with advising the Executive Office on Aging (EOA). My testimony does not represent the views of the EOA but of the Board. I have worked for more than 30 years as an office manager and in Human Resources.

We are fortunate here in the State of Hawaii to have an employee benefit of Temporary Disability Insurance. This benefit has allowed an employee to receive a portion of their wages, based on earnings, after the first 7 days of an illness or off the job injury for up to 26 weeks. It also allows for a new mother to be with her newly born child for 6 weeks of paid benefits. The cost of this coverage is minimal, the benefit is tremendous, and most employers do not deduct the allowable amount from their employees' wages. This being said, why not extent this to an

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Pg.2

employee that has a great family need in caring for a very ill or disabled family member. A four week paid time off benefit will certainly reduce the stress on the employee who otherwise may have to take this time off, without pay, which could create a great hardship. The employer would also benefit as the employee would be able to concentrate and contribute much more to the responsibility of their job/position. The cost of this coverage is not great enough that it will create a burden on an employer or employee.

I urge you to support House Bill 2520 and to recommend passage of this Bill. Thank you for your consideration.

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## May Mizuno

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**From:** stephen osiecki [steve.mft@gmail.com]  
**Sent:** Thursday, January 31, 2008 3:46 PM  
**To:** HLTtestimony  
**Cc:** Janet Hyrne  
**Subject:** In Support of HB 2520

January 30, 2008

Representative Josh Green and  
Members of the Health Committee  
Hawaii State Capitol  
Honolulu, HI 96813

From: Stephen Osiecki  
Marriage and Family Therapist  
Hawaii Lic. # MFT-76

Phone 808-371-3254

RE: HB2520, Relating to Caregivers

Dear Representative Green  
and Health Committee Members:

As a Marriage and Family Therapist in Hawaii, I have see first hand the stresses added to families across Hawaii when an elder person suddenly cannot care for themselves. This can disrupt whole lives and families for quite some time, often adding mental health problems to whatever other issues might exist for the family in need.

I am writing testimony in support of HB2520, relating to caregivers because it is extremely important that as our population ages, those tasked to care for loved ones be provided as much support as possible.

Allowing them access to up to four weeks of Temporary Disability Insurance benefit payments would help defray the financial hardship placed upon caregivers.

I support HB2520 and ask the members of the Health Committee to support this bill. If you would like to speak to me regarding my testimony, please feel free to contact me at any of the numbers listed above.

Aloha,

Stephen Osiecki MFT

000037

## May Mizuno

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**From:** Ann Thornock  
**Sent:** Wednesday, January 30, 2008 10:03 AM  
**To:** HLTtestimony  
**Subject:** Support testimony for HB2520

**Follow Up Flag:** Follow up  
**Flag Status:** Red

Committee on Health and  
Committee on Human Services and Housing  
February 1, 2008  
8:00 AM  
Room 309

Support testimony relating to HB 2520

As a former employer, prior supervisor of 200+ employees and current consultant to many businesses in Hawaii, I see the reality of family care giving issues on a daily basis. The more realistic and far sighted businesses attempt to make concessions to the employees they deem most valuable to their business who find caregiving concerns impacting their job schedules and performance. Extended lunch hours to allow for Doctor visits, late starts without docking pay and schedule changes that try to help these employees managing conflicting pressures are extended only in selected cases. As the labor force grew tighter over the past few years, these provisions became more generous.

But Hawaii is not dealing with unlimited employer generosity and the labor market will cycle back to a less favorable environment for employees at some point, making it less likely that employers will voluntarily create such flexible atmospheres for workers. And the likelihood of extending these flexibilities beyond the most critical employees – even in today’s market environment – is non-existent.

HB 2520 attempts to put a face on the specific definition of caregiving as it relates to what actually happens in family situations. The health and well being of an employee is actually impacted by the caregiving needs of a family member. This provision makes it possible for the caregiver to aide in the care of a family member *without* having to lie or pretend to be sick. It will help alleviate some of the psychological stress that comes when financial loss compounds the caregiving needs. If we, as a society, are to fulfill our duty to those who have provided for us and enabled us to become a society, we must provide reasonable and practical solutions that allow employed individuals to provide honor and care in the most practical manner possible. This bill will help accomplish that goal.

Each one of you voting on this bill will, at some point in your lives, be faced with a caregiving situation. It may be you needing to provide care for another person, and it is even more likely it will be someone in your family needing to take time out of their work schedule to meet your needs. Set the example today by passing this piece of legislations. It is another step on the road to properly designating resources in gratitude and respect for our *kupuna*.

Sincerely yours,

Gary A. Powell  
95-099 Lauaki Pl.  
Mililani, HI 96789

000038

Representative Josh Green, M.D., Chair  
Committee on Health

Representative Maile Shimabukuro, Chair  
Committee on Human Services and Housing  
February 1, 2008  
8:00 AM  
Room 309

Support Testimony for HB2520 – Relating to Caregivers

Mr. Chair,

My name is Sam Lee and I am retired. I strongly support HB2520, which amends our present TDI law to permit eligible employees to collect up to 4 weeks of paid leave to care for a family member with a qualifying disability.

Mr. Chair, our community is aging and many people who are gainfully employed are also caregivers. This bill would help them to remain in the workplace while continuing to discharge their caregiving responsibilities.

We need to encourage people to stay at home to age in place. Caregivers who provide care at home provide a tremendous economic value to the state.

Both the business community and government need to work together to assure that home care continues and that working caregivers are given the support they deserve. Please pass this bill for the future of our citizens of all ages.

000039



Janet Hyrne, MS  
P.O. Box 894811  
Mililani, Hawaii 96789-4811  
Telephone: (808) 291-5321  
Fax: (808) 623-9778  
Email: [janethyrne@yahoo.com](mailto:janethyrne@yahoo.com)

**JANET HYRNE,  
M.S.**

January 30, 2008

Representative Josh Green and  
Members of the Health Committee  
Hawaii State Capitol  
Honolulu, HI 96813

RE: HB2520, Relating to Caregivers

Dear Representative Green and Health Committee Members:

I am writing testimony in support of HB2520, Relating to Caregivers because it is extremely important that as our population ages, those tasked to care for loved ones be provided as much support as possible. Allowing them access to up to four weeks of Temporary Disability Insurance benefit payments would help defray the financial hardship placed upon caregivers.

In my work experience as a counselor, I have counseled many people on the frustrations that come from caring for aging and/or disabled family members. Personally, I have five friends who are currently care for aging parents and one who cares for a disabled brother. This responsibility can be a hardship with many caretakers forced to sacrifice a substantial amount of personal and financial resources.

As our population continues to age, we will see more people within the workforce tasked with the responsibility of caring for aging parents and relatives. Allowing TDI benefits for these people will help stabilize their income, reduce forced early retirement or unemployment, and protect those being cared for by allowing their caretakers the needed time off without financial repercussions.

I support HB2520 and ask the members of the Health Committee to support this bill. If you would like to speak to me regarding my testimony, please feel free to contact me at any of the numbers listed above.

Aloha,

Janet Hyrne

000040

To: Representative Josh Green, M.D.  
Chair, Committee on Health

Representative Maile Shimabukuro  
Chair, Committee on Human Services & Housing

From: Lani T. Nedbalek

Date: Wednesday, January 30, 2008

Subject: Support of HB2520, Relating to Family Caregiving  
Friday, February 1, 2008  
8:00 a.m.  
Conference Room 329

I have been a primary caregiver for almost 12 years. I support the amendment of Chapter 392, HRS to allow eligible employees to collect up to 4 weeks of TDI benefit payments to care for qualifying family members. I fully understand the drain on financial resources that can result from long-term caregiving of frail and elderly family members. Without some financial assistance, many families cannot afford to provide long-term care at home.

A working caregiver often experiences the tug between the need to earn money for existing, fixed expenses and the desire to allow frail family members to remain at home, with the best care possible. For a working caregiver, the situation is compounded by the need to hire inhome caretakers and to anticipate any needs that might occur during the workday. During times of care receiver emergencies, however, the caregiver is compelled to leave the workplace and stay at home, perhaps for several days or weeks until the situation is resolved. If vacation time has been expended, then, if available, leave without pay must be taken. TDI payments would provide valuable, much needed financial assistance for caregivers. I urge the committee to pass HB2520. Thank you for this opportunity to testify.

000041

To: Representative Josh Green, M.D. Chairperson  
House Committee on Health

Representative Maile Shimabukuro, Chairperson  
House Committee on Human Services and Housing

From: Nancy McGuckin, RN

Date: *FEB.* 1, 2008

Re: H.B. 2520  
Relating to Family Caregiving

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Good morning Representative Green, Representative Shimabukuro and members of the House Committee on Health and the House Committee on Human Services and Housing. My name is Nancy McGuckin and I am speaking in strong support of HB 2520 which allows for the use of TDI benefits by those who are caring for a seriously ill family member.

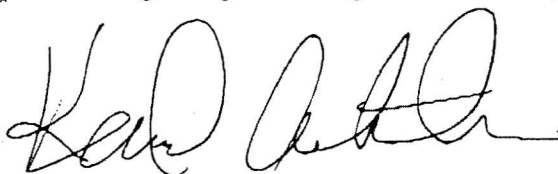
Family members as caregivers are important in the provision of health care in the home setting. When a member of the family is seriously ill and a family member must take off work to provide such care it can have a devastating effect on the financial well being of the family as a whole. The ability to use TDI benefits in a limited manner and for specific purposes would provide some support for the family in these certain situations.

Your support of H.B. 2520 is respectfully requested. Thank you for this opportunity to testify.

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1/31/08

Dear Josh Green and Committee; I am a local Family Therapist that has several patients that have had to give time and energy and monetary resources for caring of a loved-one that is disabled or incapacitated in some form. In my cases these are patients that have psychological and developmental disabilities that need transporting for the multiple services they need. Home care is another issue for the caregivers that often juggle working to support the family along with the special needs of their family member that is often unable to consistently care for themselves and also have many safety issues. Please consider HB2520 as a possible beginning in dealing with this issue; Keith Whitaker, Big Island



000043

**Richard J. Port**  
1600 Ala Moana Blvd, #3100  
Honolulu, Hawaii 96815  
Tel 808-941-9624  
e-mail: portr001@hawaii.rr.com

RECEIVED

February 1, 2008

2008 JAN 31 P 1: 41

Rep. Josh Green, M.D., Chair  
Committee on Health  
Rep. Maile S. L. Shimabukuro, Chair  
Committee on Human Services and Housing

SERGEANT-AT-ARMS  
HOUSE OF  
REPRESENTATIVES**Testimony: HB 2520 Relating to Caregivers**

Dear Representatives:

Thank you for this opportunity to testify in support of HB2520. I have been involved in Aging in Place issues in condominiums for several years. I am acutely aware of the need for family care givers to receive help in order to be able to keep aging family members at home as long as possible. In our condominium, we already provide as much help to the elderly as is legally possible, but this is not sufficient.

There are savings to the state in assisting family members who act as caregivers to elderly members of their family. HB 2520 provides the right kind of assistance. The rationale for HB 2520 is explained in Section 1 of the bill. It will permit an eligible employee to collect up to four weeks of temporary disability insurance benefit payments to care for a family member with a qualifying disability. The effective date would be July 1, 2009.

I urge your committees to support HB 2520.

Sincerely,

*Richard Port*

Richard Port

000044

**mizuno1-Edgar**

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**From:** Lydee Ritchie - Aloha House [lydee@alohahousemail.com]  
**Sent:** Thursday, January 31, 2008 2:00 PM  
**To:** HLTtestimony  
**Subject:** HB2520

Aloha Rep. Marilyn Lee,  
I am writing to you in support of HB2520, Relating to Caregivers.

I am in support of the TDI law to permit eligible employees up to four weeks of TDI benefit payments to care for a disabled family member, including elder-care.

I am presently a licensed MFT in Hawaii working with the Co-Occurring Disorder population, many of whom are in their late 40s and 50s. I also work as an intensive family therapist with Family Court Drug Court and many times work with three generations of family members in sessions. I truly feel that this bill can help improve the quality of physical, emotional, and mental health care of the family.

Thank you.  
Sincerely,  
Lydee Ritchie, MA LMFT

COD Day Treatment Program: 808.270.3008\  
2065 Main St. Suite 106-A  
Wailuku, HI 96793

000045

**mizuno1-Edgar**

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**From:** Mekealohalaulima@aol.com  
**Sent:** Thursday, January 31, 2008 2:36 PM  
**To:** HLTtestimony  
**Subject:** Testimony

Chairman Josh Green, Vice Chair John Mizuno and Health Committee Members,

My name is Gail (Diaz) Eynon,

I am a 22 year resident of the Big Island, presently residing in Hilo. I am currently a student at Capella University studying for my master's degree in Marriage and Family Therapy. Before becoming a student I worked in private homes to provide families the opportunity to rest from caring for their terminally ill family members and elderly family who could no longer live on their own. I saw the stress these families were under trying to make arrangements for these fragile family members, organizational skills in moving furniture around to accommodate these family members trying to make their living area as private and as respectable as could be expected. The majority of these families had to face reality and talk openly about funeral arrangements that were not too far in their future. All of these additions to their living environment included an increase in financial responsibilities. Unfortunately I also saw family members retiring from their jobs and careers only a few years before they had planned on retiring. They chose to forfeit their government allotted benefits to care for their loved ones. Not only were they dealing with the stress of caring for those loved ones, but I saw them grieve their life desire to retire with benefits after they put in so many productive years in their careers. To add onto all of this, their lives were then filled with responsibilities of planning for inevitable death and all the doctor's appointments and planning that entailed.

It is my opinion that if the government would increase the TDI benefits were increased for the care givers of these family members the hardships would be eased, giving the elderly and terminally ill in need of their family's services some quality time that cannot be replaced. The stress would be lowered for the family members giving them time to adjust or make plans to include their own lives in decision making.

We are all going to need someone to help us in our time of need and we may have to provide those services for others we love that need us. Hawai'i is known for it's o'hana, the love and respect for our families. As Hawai'i's residence give to our communities and government, so too should our government help our families and show their aloha by caring enough to extend the TDI benefits.

When I first moved to this island as a single parent, I took my two children to Hapuna. When it came time to leave my car wouldn't start and I was stuck. A truck of local boys in their teens came to my car and helped me by jump-starting my car. I was grateful for their help and knowing they were teenagers I offered them \$10.

They would not take it, then I offered them a \$20 bill. The boys got out of the truck, came over to me and gave me and my children a hug, then they said something to me that I have never forgotten, they said, "Auntie, we don't want your money, what goes around comes around." They left me and my children with what I imagined to be the true sense of aloha. I pass their gift onto you as you make this decision in our government, making a difference in our o'hana of Hawai'i, "What goes around comes around," do what you know is right. Imagine yourself in the predicament of being responsible for your loved ones, would alittle more time with those family members make a difference? Wouldn't have that extra financial support lessen your stress?

As a helper of families and seeing the difference of helping families, I ask you to vote your conscious and do what you know is right, we owe it to our elders and terminally ill.

Sincerely,

Gail (Diaz) Eynon

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Start the year off right. [Easy ways to stay in shape](#) in the new year.

000046

**Jeffrie L. Wagner, MFT, CSAC**

**P O Box 628**

**46-050 Konane Place #3715**

**Kaneohe, HI. 96744**

**(808)-247-7962**

**(808) 221-8994**

**E-mail: jeff8h@hawaii.rr.com**

January 30, 2008

Representative Josh Green and  
Members of the Health Committee  
Hawaii State Capitol  
Honolulu, HI 96813

RE: HB2520, Relating to Caregivers

Dear Representative Green and Health Committee Members:

I am writing testimony in support of HB2520, Relating to Caregivers because it is extremely important that as our population ages, those tasked to care for loved ones be provided as much support as possible. Allowing them access to up to four weeks of Temporary Disability Insurance benefit payments would help defray the financial hardship placed upon caregivers.

In my work experience I have counseled many people on the frustrations that come from caring for aging and/or disabled family members. Personally, I have several friends who are currently caring for aging parents and/or disabled family members. This responsibility can be a hardship with many caretakers forced to sacrifice a substantial amount of personal and financial resources.

As our population continues to age, we will see more people within the workforce tasked with the responsibility of caring for aging parents and relatives. Allowing TDI benefits for these people will help stabilize their income, reduce forced early retirement or unemployment, and protect those being cared for by allowing their caretakers the needed time off without financial repercussions.

I support HB2520 and ask the members of the Health Committee to support this bill. If you would like to speak to me regarding my testimony, please feel free to contact me at any of the numbers listed above.

Aloha,

Jeffrie L. Wagner

000047



**May Mizuno**

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**From:** Rick Kelley [rck\_klly@yahoo.com]  
**Sent:** Thursday, January 31, 2008 4:44 PM  
**To:** HLTtestimony  
**Cc:** Mitch Berman; Jeff Wagner  
**Subject:** HB2520

Aloha,  
Chairman Josh Green  
Vice Chair John Mizuno  
Health Committee Members

I am sending this email in support of HB2520. This bill would amend the TDI law to permit eligible employees up to 4 weeks of TDI benefit payments to care for a disabled or elderly family member. Modification of the TDI law would lessen the emotional, physical, and financial impact of family members trying to care for aging or disabled relatives. Further, it could reduce the need for State sponsored financial assistance.

I humbly request and thank you for your support of HB2520,  
Rick Kelley, MC, MFT

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000048

The Hawaii Teamsters Local 996  
1817 Hart St.  
Honolulu, Hi. 96819

Rep. Josh Green, M.D., Chair  
Rep. John Mizuno, Vice-Chair  
Committee on Health

Rep. Maile Shimabukuro, Chair  
Rep. Karl Rhoads, Vice-Chair  
Committee on Human Services and Housing

Glenn Ida  
Hawaii Teamsters Local 996 PAC Co-Chair  
295-1280

Feb.1, 2008

Support HB2520, Relating to Caregivers

The Hawaii Teamsters Local 996 negotiates and enforces more than 50 contracts serving 6000 members in various industries in Hawaii and Guam. Some of our companies offer options that include paid leave for FMLA depending on the size and operation of the company.

\OTS, Inc., TheBus allows me to get paid from our sick leave or vacation bank for a combination of 20 days. I used FMLA with pay to care for my Mom after by-pass surgery 2 years ago. I continue to use FMLA with pay each year to provide transportation for follow up appointments along with the consultations with her Doctors. I believe that giving her the care at home has made her happier and more comfortable.

HB2520 would give others the opportunity to care for their loved ones with some financial assistance. All the good intentions will not stop the bills from coming or pay for gas, parking at the doctors' office or medications they might need.

The Hawaii Teamsters Local 996, Supports HB2520.

Thank you for the opportunity to testify.

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