

The Twenty-Fourth Legislature
Regular Session of 2008

HOUSE OF REPRESENTATIVES
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

LATE TESTIMONY

State Capitol, Conference Room 329
Friday, February 1, 2008; 8:00 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 2520
RELATING TO CAREGIVERS**

The ILWU Local 142 supports H.B. 2520, which amends the temporary disability insurance law to 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.

Many workers in Hawaii today are called upon to be family caregivers. These individuals are forced to take time off from work (either unpaid leave or vacation) or even retire to provide care to family members who are disabled and/or elderly and need assistance with one more activities of daily living.

Allowing family caregivers to claim TDI benefits in order to provide care to family members serves multiple purposes. First, it allows for family caregivers to fulfill their obligations to family members without undue financial hardship. Second, it allows family members needing care to remain at home and not require institutionalization. Third, it promotes good will in the workplace that boosts morale and productivity and instills greater loyalty to the employer. All in all, a win-win situation.

We have, however, a couple of concerns.

One concern is how the provisions of H.B. 2520 will work in coordination with Act 44 (2003 Session), which requires employers with 100 or more employees to allow 10 days of sick leave to be used for family leave purposes. Many employers, in particular those with collective bargaining agreements, offer both TDI and sick leave. Since the bill says that use of TDI will prevail if there is a conflict with another law, that may mean employees of employers with more than 100 must use TDI while on family leave rather than 10 days of sick leave.

Another concern is how to deal with multiple caregivers for the same family member. Without coordination, there is the potential for more than one caregiver to claim benefits to care for the same family member at the same time.

H.B. 2520 is a commendable attempt to address what appears to be a growing problem--that of disabled and elderly family members needing more care and workers required to make economic sacrifices to fulfill family obligations. The ILWU urges passage of H.B. 2520.

Thank you for the opportunity to share our views and concerns.

STATE
Testimony**PAMELA J. FERGUSON-BREY**Post Office Box 22572
Honolulu, Hawaii 96823
808-265-2093

**TESTIMONY ON HOUSE BILL 2520
RELATING TO CAREGIVERS**House Committee on Health
Representative Josh Green M.D., Chair
and
House Committee on Human Services and Housing
Representative Maile S.L. Shimabukuro, ChairFriday, February 01, 2008; 8:00 AM
State Capitol, Conference Room 329

Good morning Chair Green, Chair Shimabukuro, and Members of the Joint House Committee on Health and Human Services and Housing. Thank you for providing me with an opportunity to testify in **strong support** of House Bill 2520, Relating to Caregivers. House Bill 2520 amends existing temporary disability insurance provisions to permit eligible employees to receive up to four (4) weeks of temporary disability insurance benefits if they are **unable to work due to their need to care for a family member who has a serious health condition**. I believe that workers who are also family caregivers should **not have to make a choice between caring for a seriously ill family member and their job**.

In 1993, the federal Family and Medical Leave Act (FMLA) was enacted by Congress to ensure that employees who needed to take time off from work to care for a seriously ill family member, a newborn, or to address their own serious health condition, did not risk losing their jobs. The FMLA provides that employees can take up to twelve (12) weeks per year of unpaid leave after the birth or adoption of a child, or if they have a serious health condition, or to care for a family member with a serious health condition.

While the FMLA ensures that caregivers do not lose their jobs or seniority in order to care for a loved one, many eligible employees simply cannot afford to take unpaid FLMA leave. According to the U.S. Department of Labor eight (8) out of ten (10), or eighty percent (80%),

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of the three and one-half million (3,500,000) workers who were eligible for FMLA benefits in 2000 (i.e., 2,800,000 eligible workers) did not take available unpaid leave because they could not afford to do so.

California passed legislation in 2002 to address this problem. Qualified employees in California receive up to six (6) weeks of paid family leave. Qualified employees receive about fifty five percent (55%) of their salary for up six (6) weeks in order to care for a newborn child or a seriously ill relative. In June, 2007, U.S. Senators Chris Dodd and Ted Stevens introduced federal legislation to provide eight (8) weeks of paid leave to workers who take time off under the FMLA.

House Bill 2520 gives the caregivers in our community the financial support necessary to be able to take time off from their job to care for a seriously ill family member. This measure also benefits employers by reducing the cost of staff member turnover and easing the labor shortage in the Hawaii marketplace, since many caregivers must retire, or resign, in order to address their family caregiving responsibilities.

Thank you for providing me with an opportunity to speak in **strong support** of HB 2520. No worker in Hawaii should be forced to choose between their responsibility to a seriously ill family member, and their livelihood.

February 1, 2008

Testimony in support of HB2520

This is Yoshie Tanabe, citizen. Thank you, Rep. Green, Chair; Rep. Mizuno, Vice Chair; Rep. Shimabukuro, Chair and Rep. Karl Rhoads, Vice Chair:

I am in support of HB2520 Relating to Caregivers. As I understand it, this Bill would 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.

Once having been a working mother of three little children, I know how it feels to have to depend on neighbors to care for my children when they were sick. (“Neighbors” because we lived in Chicago, far away from immediate family). Having recently had a sickly and practically bed-ridden 93 years old mother-in-law, I know how working children of elderly, deathly sick parents must feel.

It is not always within one’s means to hire capable help and four weeks of capable help can cost about \$9600 at \$20/hr times 24 hours for a five day week times four. A parent, a child, who must work and care for a “qualifying” disabled child or parent must sleep sometime—must do the shopping and cooking and cleaning too.

Add to that trying to cut corners—I know. It is depressing to the point of wanting to give up on life. My husband worked extra jobs refereeing games for a pittance, together we ate at home and cheaply. We shopped at Goodwill and the Salvation Army in Chicago, we walked until we could afford a second-hand car, we saved the plastic utensils and cups when we could eat at McDonald’s....

As I understand it, eligible workers are already entitled to 26 weeks a year. I also understand that many workers do not use up those 26 weeks. So why cannot 4 weeks of those 26 be available to those workers to care for “qualifying” children and/or parents? I believe this would make for a much more humane society—something we have not had in the last few weeks.

Humbly submitted,
Yoshie Tanabe
1149 Namahealani Place
Honolulu, HI 96825
394-1908

May Mizuno

From: celia suarez [c.suarez01@hawaiiantel.net]
Sent: Thursday, January 31, 2008 9:28 PM
To: HLTtestimony
Subject: strong support for HB 2520

To: Josh Green Chairman
John Mizuno, Vice Chair
Health Committee Members

From: Celia Suarez, Marriage & Family Therapist

Subj: Strong support for HB 2520

As a mental health professional, I strongly support HB2520 that will amend the existing 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.

I believe this bill will support family caregiving and will reduce the physical, emotional, mental toll and financial hardships to a family.

Thank you for allowing me to submit this testimony.

May Mizuno

From: Anne McCord [annemccord@hawaiiantel.net]
Sent: Thursday, January 31, 2008 7:52 PM
To: HLTtestimony
Subject: HB2520, Relating to Caregivers

To Whom it May Concern:

As a licensed Marriage and Family Therapist, I would like to support the passage of HB2520, Relating to Caregivers, which amends TDI law to permit eligible employees up to 4 weeks of TDI benefit payments to care for a disabled family member.

I feel that with our aging population, it is important for familys to not have to suffer further financial hardships due to having to care for ailing family members. Family caregiving should be supported by our state's laws, and this amendment would help in this way.

Anne McCord, LMFT
HI #102



**To: House Committee on Health
Rep. Josh Green, Chair
Rep. John Mizuno, Vice-Chair**

**House Committee on Human Services & Housing
Rep. Maile S. L. Shimabukuro, Chair
Rep. Karl Rhoads, Vice-Chair**

**Date: February 1, 2008
Conference Room 329
8:00 am**

Re: HB 2520 Relating to Caregivers

Chairs Green and Shimabukuro and Members of the Committees:

My name is Ed Thompson and I am the Associate State Director for Advocacy for AARP Hawaii. We are a membership organization for people 50 and older with 156,000 members in Hawaii. AARP provides access to services and information, meaningful volunteer opportunities, and the opportunity for our members to create positive change in their lives.

AARP supports the intent of HB 2520, which provides a funding source for a family caregiver.

Our concern with this bill is the potential of more cost being passed on to the employee. If premiums are not substantially raised, then this might be okay.

A large population of Hawaii's labor force is providing care to family members with serious health conditions. Their employment is often affected by their caregiving responsibilities. Family caregivers may need to reduce hours, take time off from work, or rearrange their work schedules to balance their family caregiving responsibilities with their employment. Our economy depends on a robust and active labor force. It is in our interest to find ways to support family caregivers during their time of need.

Thank you for the opportunity to testify before your committee.

May Mizuno

From: Mitch Berman [mmb246@clearwire.net]
Sent: Friday, February 01, 2008 12:20 AM
To: HLTtestimony
Subject: Re: Testimony in support of HB2520

Chairman Josh Green
Vice Chair John Mizuno
Health Committee Members

Re: Testimony in support of HB2520

I am writing in support of HB2520 to amend the TDI law to allow eligible employees up to 4 weeks of TDI benefit payments to care for a disabled or elderly family member.

The modification of the law would support a working family member/ caretaker to be able to care for his/her family member for a short period of time without suffering undue emotional, physical or financial hardship during a time of need and would enable the caretaker to remain a valued part of the workforce and not so readily have to quit or take early retirement. A member of our ACT treatment team is leaving to care for her father. This might have been prevented had a modified TDI law been in place.

Please support HB2520.

Thank you very much,

Mitch Berman, MA, MFT

May Mizuno

From: John Tomoso [John.Tomoso@co.maui.hi.us]
Sent: Thursday, January 31, 2008 10:51 PM
To: HLTtestimony
Subject: Testimony for H.B. 2520 Relating To Caregivers

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

House Committee on Human Services and Housing Rep. Maile S.L. Shimabukura, Chair Rep. Karl Rhoads, Vice Chair

H.B. 2520 Relating To Caregivers
Conference Room 329, 8:00 a.m.
February 1, 2008

Honorable Chairs, Vice Chairs and Members, Aloha mai kakou.

I am supporting H.B. 2520, which 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. The benefits of family caregivers in the home, who care for frail and disabled loved ones far outweigh any costs we can assign to this important role. There is a cost, however, on the caregiver, who loses earning power and income when actively caregiving. In turn, this cost adversely affects the rest of the family and society. There is also an adverse affect on the caregiver him/ herself who, in giving up his/ her earning power and income to focus on performing as a caregiver, which is essentially an unpaid job. Allowing TDI payments to the family caregiver, in the home, nurtures and supports a quality of life that capacitates the caregiver to continue giving care at qualitative and quantitative levels. Like TDI in other situations, it allows for a life and a standard of living that positively counteracts what can be unhealthy realities and returns a sense of normalcy and fulfillment to all concerned, including the one being cared for. In the long run, family caregivers contribute to our society's productivity, health and satisfaction. I understand TDI as a benefit and remedy to restore all of these good qualities and attributes, where they have been minimized or even compromised.

Mahalo a nui.
John A. H. Tomoso, MSW, ACSW, LSW
Maui County Executive on Aging
808-270-7350
john.tomoso@mauicounty.gov

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County of Maui.

IT Security measures will reject attachments
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May Mizuno

From: Jfradenburgmft@aol.com
Sent: Thursday, January 31, 2008 10:47 PM
To: HLTtestimony
Subject: HB 2520

To: Chairperson Josh Green, Vice Chairperson John Mizuno, & Health Committee Members
From: Jan Fradenburg, MA, MFT
Subject: HB 2520

I am writing in support of House Bill 2520, the bill amending TDI law to permit eligible employees to receive 4 weeks of TDI benefit payments to care for a disabled and/or elder family member.

Many caregivers, many of whom are female, have missed an increasing number of days of work due to the responsibility of caring for our increasing number of aging and disabled family members; as a result, many of them have been forced to leave their jobs or take early retirement to care for them. Their devotion to their family causes them financial, physical, and psychological hardships. If they could receive TDI benefits, even for a limited time, this would alleviate the impact of their financial, and therefore other, hardships.

By the year 2020, 25% of our country's population will be over 60 years of age. My sister spent two years (2003-2005) caring for our elderly father at her home at great cost to herself so that he could die there, surrounded by beloved family and pets, with the benefit of secular and religious hospice services, instead of isolated in an assisted living facility, nursing home, &/or hospital. There were no TDI benefits for her. This bill would protect the rights of women in the same way as the Family Leave law which enabled pregnant women to receive Maternity TDI benefits and not be penalized for giving birth by losing their jobs or being demoted (albeit on a smaller scale). Most caregivers of family are women who can ill afford to be penalized for taking time off from work or working without pay to provide humane care for their loved ones. We are supposed to be a State which values immediate and extended family bonds and respects our elders (kupunas). How can we reconcile not supporting this bill with our cultural and moral values? We cannot.

Please support House Bill 2520 which would financially support and protect our many female (as well as male) caregivers and our cherished kupunas! Thank you very much for your time and consideration.

Mahalo, Jan Fradenburg

JAN FRADENBURG, MA, MFT
Marriage & Family Therapist
HAMFT West HI Board Member
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(808) 345-2429 Cell

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