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# A BILL FOR AN ACT

RELATING TO FAMILY LEAVE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that over twenty-five per  
2 cent of Hawaii's households have at least one individual  
3 providing informal, unpaid care to an adult aged sixty or older  
4 with physical or cognitive disabilities. This percentage is  
5 expected only to increase. Projections indicate that by the  
6 year 2020, more than one in four individuals will be aged sixty  
7 or older, and an individual's need for personal care assistance  
8 due to physical, sensory, cognitive, and self-care disabilities  
9 increases with age.

10           The legislature finds that the average age of family  
11 caregivers is fifty-four years of age, which is well below the  
12 age of retirement. Over fifty-five per cent of the family  
13 caregivers are employed, and of this group, over twenty-six per  
14 cent indicate that their employment is affected by their  
15 caregiving responsibilities. Reduction in work hours was an oft  
16 cited effect, followed by turning down promotions and taking  
17 leaves of absence. Nearly all of the family caregivers surveyed  
18 stated that they frequently rearrange their work schedules, and



1 over seventy-seven per cent take time off from work to deal with  
2 caregiving responsibilities.

3 The legislature finds that approximately ten per cent of  
4 the Hawaii workforce, or over eighty thousand employees, may  
5 currently seek or need to take some form of leave to address  
6 family caregiving issues.

7 The legislature further finds that in seeking to analyze  
8 and develop improvements to the family leave system there is  
9 inadequate data about the use of and need for family leave.

10 The purpose of this Act is to create a family leave data  
11 collection system to:

- 12 (1) Create a data collection system that is capable of  
13 analyzing and reporting family caregiving data for  
14 public and private-sector employees;
- 15 (2) Ensure that information about uncovered employees is  
16 captured by the data system; and
- 17 (3) Create the basis for development of a data-driven paid  
18 family leave system that can complement other  
19 caregiver services, especially for elder family  
20 members.



1 SECTION 2. Chapter 398, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§398- Family leave data collection system;

5 establishment. (a) There is established a family leave data  
6 collection system to:

7 (1) Ensure that all employees covered by the benefits of  
8 this chapter are informed of their rights under this  
9 chapter and their names are entered into the data base  
10 upon application for benefits;

11 (2) Collect pertinent data, consistent with state and  
12 federal privacy statutes, on the use and potential  
13 demand for family leave benefits for both public and  
14 private-sector employees, including information on who  
15 and under what circumstances employees are using  
16 family leave benefits, the nature and duration of  
17 family members' needs, and the adequacy of current  
18 family leave benefits;

19 (3) Provide analysis of the data to assist in the  
20 development and implementation of an efficient system  
21 of family leave, including potential paid family  
22 leave, for employees in Hawaii; and



1       (4) Provide analysis of data to assist in the future  
2           development of caregiver services for senior citizens  
3           in Hawaii.

4       (b) The department shall work with the University of  
5 Hawaii center on aging to create a web-based data system with  
6 the following capabilities:

7       (1) The capacity for all employees seeking family leave  
8           benefits under this chapter to log into the data  
9           system and enter pertinent data on the circumstances  
10          and need for family leave benefits;

11       (2) The ability to secure confidential information,  
12           consistent with state and federal privacy statutes,  
13           available only in aggregate form for managers and  
14           analysts of the data system;

15       (3) The ability of the employee to print out a simple form  
16           to be submitted to the employer certifying that  
17           required data has been entered;

18       (4) The ability of data managers and analysts to  
19           manipulate and query the data base to achieve the  
20           purpose of this chapter;

21       (5) A back-up paper system that can be used when computer  
22           access or printing is unavailable; and



1       (6) A user-friendly format that can be translated into  
2               multiple languages for employees.

3       (c) The state auditor shall be provided access to the data  
4 base and shall prepare annual reports to the legislature, the  
5 department, and the University of Hawaii center on aging."

6           SECTION 3. Section 392-61, Hawaii Revised Statutes, is  
7 amended to read as follows:

8           "~~§~~**392-61**~~§~~   **Establishment of special fund for**  
9 **disability benefits.** There is established in the treasury of  
10 the State, separate and apart from all public moneys or funds of  
11 the State, a special fund for disability benefits which shall be  
12 administered by the director exclusively for the purposes of  
13 this chapter; and for the establishment and maintenance of a  
14 family leave data collection system under section 398- .

15 All contributions pursuant to this part shall be paid into the  
16 fund and all benefits payable under this part shall be paid from  
17 the fund. The fund shall consist of (1) all contributions  
18 collected pursuant to this part, together with any interest  
19 thereon; (2) all fines and penalties for the fund pursuant to  
20 this chapter; (3) all moneys collected by way of subrogation;  
21 (4) interest earned on any moneys in the fund; (5) any property  
22 or securities acquired through the use of moneys belonging to



1 the fund; (6) all earnings of such property and securities; and  
2 (7) all other moneys received for the fund from any source."

3 SECTION 4. Section 398-5, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "[~~f~~]**\$398-5**[~~t~~] **Notice.** In any case in which the necessity  
6 for family leave is foreseeable, the employee shall provide the  
7 employer with prior notice of the expected birth or adoption or  
8 serious health condition in a manner that is reasonable and  
9 practicable. Requests for family leave shall include evidence  
10 that the employee has submitted the request and provided  
11 required data in accordance with section 398- ."

12 SECTION 5. There is appropriated out of the disability  
13 benefits special fund established under section 392-61, Hawaii  
14 Revised Statutes, the sum of \$10,000 or so much thereof as may  
15 be necessary for fiscal year 2009-2010 and the same sum or so  
16 much thereof as may be necessary for fiscal year 2010-2011 for  
17 the University of Hawaii center on aging to cover the estimated  
18 costs of the:

- 19 (1) Development of a web-based data system as provided by  
20 this Act;
- 21 (2) Purchase of hardware, software, servers, and other  
22 necessary elements of the system; and



1 (3) Costs of personnel required to maintain the system.

2 The sums appropriated shall be expended by the department  
3 of labor and industrial relations for the purposes of this Act.

4 SECTION 6. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 7. This Act shall take effect on July 1, 2009.



H.B. NO. 982  
H.D. 3  
S.D. 1  
C.D. 1

**Report Title:**

Family Leave

**Description:**

Establishes a new data collection system for family leave.  
Appropriates \$10,000 from the disability benefits special fund.  
Authorizes the use of these funds for the date system. (HB982  
CD1)

