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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 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 care  
19 giver services, especially for elder family members.

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



- 1           "§398-       Family leave data collection system;  
2 establishment.   (a) There is established a family leave data  
3 collection system to:
- 4           (1) Ensure that all public employees covered by the  
5           benefits of this chapter are informed of their rights  
6           under this chapter and their names are entered into  
7           the data base upon application for benefits;
- 8           (2) Collect pertinent data, consistent with state and  
9           federal privacy statutes, on the use and potential  
10           demand for family leave benefits for public employees,  
11           including information on who and under what  
12           circumstances employees are using family leave  
13           benefits, the nature and duration of family members'  
14           needs, and the adequacy of current family leave  
15           benefits;
- 16           (3) Provide analysis of the data to assist in the  
17           development and implementation of an efficient system  
18           of family leave, including potential paid family  
19           leave, for public employees in Hawaii; and
- 20           (4) Provide analysis of data to assist in the future  
21           development of caregiver services for senior citizens  
22           in Hawaii.



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

4           (1) The capacity for all public employees seeking family  
5 leave benefits under this chapter to log into and  
6 enter pertinent data on the circumstances and need for  
7 family leave benefits;

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

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

15           (4) The ability of the data managers and analysts to  
16 manipulate and query the data base to achieve the  
17 purpose of this chapter;

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

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



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

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

6        "[~~f~~]~~\$398-5~~[~~}]~~ **Notice.** In any case in which the necessity  
7 for family leave is foreseeable, the employee shall provide the  
8 employer with prior notice of the expected birth or adoption or  
9 serious health condition in a manner that is reasonable and  
10 practicable. Requests from public employees for family leave  
11 shall include evidence that the employee has submitted the  
12 request and provided required data in accordance with section  
13 398-\_\_\_\_\_."

14        SECTION 4. There is appropriated out of the general  
15 revenues of the State of Hawaii the sum of \$                    or so  
16 much thereof as may be necessary for fiscal year 2009-2010 and  
17 the same sum or so much thereof as may be necessary for fiscal  
18 year 2010-2011 for the University of Hawaii center on aging to  
19 cover the estimated costs of the:

20        (1) Development of a web-based data system as provided by  
21            this Act;



1           (2) Purchase of hardware, software, servers, and other  
2           necessary elements of the system; and

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

4           The sums appropriated shall be expended by the University  
5 of Hawaii for the purposes of this Act.

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

8           SECTION 6. This Act shall take effect on July 1, 2020.



**Report Title:**

Family Leave

**Description:**

Establishes a new data collection system for family leave.  
Appropriates funds. (HB982 HD2)

