

HOUSE OF REPRESENTATIVES
Committee on Economic Revitalization, Business, & Military Affairs
Rep. Angus L.K. McKelvey, Chair
Rep. Isaac W. Choy, Vice Chair

State Capitol, Conference Room 312
Tuesday, February 24, 2009; 9:30 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 319
RELATING TO FAMILY LEAVE**

The ILWU Local 142 supports H.B. 319, which requires employers to notify employees annually in writing of their entitlement to family leave, as well as the possible adverse impact of taking family leave.

Informing workers about their employment rights is always a good thing. If laws are enacted to provide workers with protections and benefits, the workers should know about those laws. Employers will have more resources at their disposal to inform workers about their rights under the law as well as possible consequences of exercising those rights.

Workers with aged and disabled parents will want to know and be reminded about their rights under the family leave law. However, they should also know that taking such leave may have an adverse impact on benefits, seniority rights, promotions, etc. With full knowledge, the worker can then make an informed decision about whether to take family leave or not.

As Hawaii's aged population increases, more and more workers will need to take advantage of family leave laws to provide care to their parents. The problem will only escalate as the first baby boomers are reach 65 in just two years. The care that workers can provide to aged parents will help to prevent institutionalization and avert potentially huge costs to taxpayers.

The ILWU urges passage of H.B. 319. Thank you for the opportunity to share our views on this issue.



**Testimony to the House Committee on Economic Revitalization, Business Concerns,
and Military Affairs
Tuesday, February 24, 2009
9:30 a.m.
Conference Room 312**

RE: HOUSE BILL NO. 319 RELATING TO FAMILY LEAVE

Chair McKelvey, Vice Chair Choy, and Members of the Committee:

My name is Jim Tollefson and I am the President and CEO of The Chamber of Commerce of Hawaii ("The Chamber"). The Chamber does not support House Bill No. 319, relating to Family Leave.

The Chamber is the largest business organization in Hawaii, representing more than 1,100 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

HB 319 requires employers to notify employees annually of their entitlement to family leave, as well as possible adverse impact of taking family leave.

The Chamber believes this measure is not required. State law already requires employers to provide sufficient notice. Under Title 12, Chapter 27, the Administration and Enforcement of the Family Leave Law, the administrative rule provides:

§ 12-27-10 Notice requirements. (a) Every employer covered by the statute shall notify employees in writing at the time of hire of their rights and responsibilities under the statute, including any employer policy regarding the statute. The notice, and any revision, shall contain, but not be limited to:

- (1) Any requirement for the employee to furnish certification in accordance with section 398-6, HRS, and section 12-27-11, and the consequences of failure to do so;
- (2) The employee's right to substitute accrued paid leave, and whether the employer will require the substitution of any paid leave;

- (3) Any requirement for the employee to make any premium payments to maintain health and other benefits and the arrangements for making such payments;
- (4) Information on employee right to restoration to the same or equivalent position as required under the statute; and
- (5) Other information as required by the department.

Most employers subject to Hawaii's Family Leave Act are also subject to the federal Family and Medical Leave Act which recently implemented exhaustible new requirements on notice obligations to employees. Adding another burden atop these new additional regulations is unfair and will lead to greater cost and confusion when existing law is adequate to inform employees of their rights."

Thus, The Chamber respectfully requests HB 319 be held as existing law is adequate to meet the overall objective of this legislation without unduly adding extra cost and burdens to employers in this dire economic time.

Thank you for the opportunity to testify.

From:
Sent:
To:
Subject:

Tomoso Home [jtomoso@hawaii.rr.com]
Tuesday, February 24, 2009 6:22 AM
EBMtestimony
Testimony on HB 319

LATE TESTIMONY

HOUSE OF REPRESENTATIVES
THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2009

COMMITTEE ON ECONOMIC REVITALIZATION, BUSINESS, & MILITARY AFFAIRS

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NOTICE OF HEARING

DATE: Tuesday, February 24, 2009

TIME: 9:30 AM

PLACE: Conference Room 312

State Capitol

415 South Beretania Street

HB 319

RELATING TO FAMILY LEAVE.

LAB, EBM

(HSCR142)

Requires employers to notify employees annually of their entitlement to family leave, as well as possible adverse impact of taking family leave.

Status

Aloha kakou,

I am submitting this testimony in favor of this bill as it allows a workforce, increasingly involved in caregiving of family members and friends, to know and understand that they can, through their

employment, “balance” their personal needs with those of their job and career. Caregiving is a “balancing act” and this required notification allows a sense of informed consent and disclosure to be a part of our work environments as our communities’ age and our citizens live longer. As our communities “age” our workforces and work places will be impacted to a greater degree. Information on aging resources and caregiving options will allow all of us to cope better with both the positive and negative impacts of aging and “aging-in-place”.

Mahalo a nui,

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CC: Maui JACOSA, Maui County State Legislators, PIO Mahina Martin