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January 28, 2009

To: The Honorable Angus L.K. McKelvey, Chair  
and Members of the House Committee on  
Economic Revitalization, Business & Military Affairs

Date: Thursday, January 29, 2009  
Time: 8:30 a.m.  
Place: Conference Room 312  
State Capitol

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

**Re: H.B. 450 - Relating to Family Leave**

**I. OVERVIEW OF PROPOSED LEGISLATION**

H.B. 450 proposes to amend the Hawaii Family Leave Law, Chapter 398, Hawaii Revised Statutes ("HRS") by allowing individuals to take Hawaii Family Leave when their child, spouse, parent, or reciprocal beneficiary is on military deployment.

This Act would take effect on July 1, 2009.

**II. CURRENT LAW**

Hawaii Family Leave Law is currently permitted only for the birth or adoption of child, or the care of a child, spouse, parent, or reciprocal beneficiary with a serious health condition.

**III. HOUSE BILL**

The Department supports the overall concept of this bill, but we are concerned about the cost implications generated by this proposal.

1. The Department recognizes the many challenges that military families face when a loved one is deployed abroad. However, the Department is concerned that this legislation may place an extra burden on businesses during these difficult economic times. The loss of productivity due to the absence of an employee for reasons not related to his or her own inability to work may prove too costly for Hawaii businesses to absorb.
2. The federal Family Medical Leave Act applies to employers with at least 50 employees, because the Hawaii Family Leave Law applies to employers with at least 100 employees, it is likely that nearly all employees covered by the Hawaii Family Leave Law already have job-protection under the Family Medical Leave Act. The Family Medical Leave Act also provides 12 weeks of protected family leave whereas the Hawaii Family Leave Law allows for 4 weeks of protected leave.

STATE OF HAWAII  
DEPARTMENT OF DEFENSE

TESTIMONY ON HOUSE BILL 450  
A BILL FOR AN ACT RELATING TO FAMILY LEAVE

PRESENTATION TO THE  
HOUSE COMMITTEE ON ECONOMIC REVITALIZATION, BUSINESS, AND  
MILITARY AFFAIRS

BY

MAJOR GENERAL ROBERT G. F. LEE  
ADJUTANT GENERAL  
January 29, 2009

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

I am Major General Robert G. F. Lee, State Adjutant General. I am testifying on House Bill 450. This bill grants family leave to an employee during any calendar year during a military deployment.

We support House Bill 450 but would prefer House Bill 720.

If House Bill 720 is passed, it allows an employee to use family leave during any calendar year to provide family care and support during the military deployment of the employee's child, spouse, or reciprocal beneficiary, or parent.

Passage of House Bill 720 would strongly indicate to the members of the Guard, reserves, or armed services, including the Coast Guard, especially those that are currently deployed to Iraq and Afghanistan that Hawaii truly cares and supports their duty to State and nation.

Chair McKelvey, thank you for the opportunity to submit this written testimony supporting this very important measure.



**Before the House Committee on  
Economic Revitalization, Business, & Military Affairs**

DATE: January 29, 2009

TIME: 8:30 a.m.

PLACE: Conference Room 312

**Re: HB 450  
Relating to Family Leave  
Testimony of Melissa Pavlicek for NFIB Hawaii**

Thank you for the opportunity to testify. On behalf of the thousands of business owners who make up the membership of the National Federation of Independent Businesses in Hawaii, we ask that you reject HB 450. NFIB opposes this measure in its current form.

The National Federation of Independent Business is the largest advocacy organization representing small and independent businesses in Washington, D.C., and all 50 state capitals. In Hawaii, NFIB represents more than 1,000 members. NFIB's purpose is to impact public policy at the state and federal level and be a key business resource for small and independent business in America. NFIB also provides timely information designed to help small businesses succeed.

We support our employees and their families who provide military service. We are concerned about the possible unintended consequences of mandating employer benefits in these challenging economic times. We believe that further regulation will add costs to business which ultimately hurts employees and the economy as a whole.



Representative Angus McKelvey, Chair  
Representative Isaac Choy, Vice Chair  
Committee on Economic Revitalization, Business & Military Affairs  
State Capitol, Honolulu, Hawaii 96813

HEARING      Thursday, January 29, 2009  
                    8:30 am  
                    Conference Room 312

**RE:    HB 450, Relating to Family Leave**

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

Retail Merchants of Hawaii (RMH) is a not-for-profit trade organization representing 200 members and over 2,000 storefronts, and is committed to support the retail industry and business in general in Hawaii.

**RMH supports the intent of HB 450**, which grants family leave to an employee during any calendar year to provide family care and support during the military deployment of the employee's child, spouse or reciprocal beneficiary, or parent. We commend your attention to the concerns of our military community.

We respectfully request revising this measure to make it consistent with the federal Family and Medical Leave Act as amended by the National Defense Authorization Act, effective on January 16, 2009. Creating a uniform standard would result in more cost-effective administration and facilitate more timely compliance by employers.

Thank you for your consideration and for the opportunity to comment on this measure.

President

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