

The Twenty-Fifth Legislature  
Regular Session of 2009

LATE

HOUSE OF REPRESENTATIVES

Committee on Health

Rep. Ryan I. Yamane, Chair

Rep. Scott Y. Nishimoto, Vice Chair

Committee on Human Services

Rep. John M. Mizuno, Chair

Rep. Tom Brower, Vice Chair

State Capitol, Conference Room 329

Tuesday, March 17, 2009; 10:45 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON H.C.R. 15**

**Encouraging Stakeholders and Interested Parties to Work Together to Establish Paid Family Leave or Similar Wage Replacement Programs to Assist Family Caregivers**

The ILWU Local 142 supports adoption of H.C.R. 15, which would encourage stakeholders to work together to establish paid family leave or a similar wage replacement programs to assist family caregivers.

As Hawaii's aged population grows, so too will the number of working men and women who must take time off from work or retire altogether to provide care needed by their loved ones at home. These family caregivers sacrifice jobs and retirement income to provide uncompensated care for their family members.

The State may say this is the responsibility of the family. However, we believe that the State must be involved in this growing social dilemma. If family caregivers decide to stop providing care, who will provide the care? If the person needing care cannot afford institutional care, who will pay? Ultimately, it will be the taxpayer's burden. Thus, the State must be involved in finding a solution.

Paid family leave or some other kind of wage replacement program to assist family caregivers is only a nominal effort at providing assistance to caregivers. Family leave is limited. State law provides for four weeks of leave only to employers with 100 or more employees. However, this nominal effort will demonstrate the State's acknowledgement of the invaluable service provided by family caregivers and its commitment to working towards a solution.

We are not sure what will come from this resolution. Last year, a Working Group was tasked to address this same problem and could not come to any agreement. The two sides on the issue were polarized. Philosophical differences precluded consensus or compromise.

One thing that this resolution requests is cooperation from employers about potential loss of benefits by family caregivers from 401K or similar retirement programs. Whether employers will comply remains to be seen. However, we are hopeful that someone in the Administration or the Legislature will champion this issue and bring the parties together. The problem of caring for providing for long-term care will only get worse.

The ILWU urges adoption of H.C.R. 15. Thank you for considering our views.

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The Voice of Small Business®

**Before the House Committee on Health  
and House Committee on Human Services**

DATE: March 17, 2009

TIME: 10:45 a.m.

PLACE: Conference Room 329

**Re: HCR 15  
Relating to Paid Family Leave or Similar Wage Replacement  
Programs to Assist Family Caregivers  
Testimony of Melissa Pavlicek for NFIB Hawaii**

Thank you for the opportunity to submit our comments.

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 1,200 members and works with and on behalf of employers across the state. We support returning and keeping workers in the workforce, but we are concerned that working toward employer paid leave, particularly in these challenging economic times, will result in employers being able to employ fewer workers.

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Chair, Representative Ryan Yamane  
Vice-chair, Representative Scott Nishimoto  
Committee: Health Committee

Chair, Representative John M. Mizuno  
Vice-Chair, Representative Tom Brower  
Committee: Human Services

From: Society for Human Resource Management (SHRM) Hawaii  
(808) 523-3695 or e-mail: shrmhawaii@hawaii.biz.rr.com  
Testimony date: Tuesday, March 17, 2009

### **Opposition to HCR 15**

SHRM Hawaii is the local chapter of a National professional organization of Human Resource professionals. Our 1,200+ Hawaii membership includes those from small and large companies, local, mainland or internationally owned - tasked with meeting the needs of employees and employers in a balanced manner, and ensuring compliance with laws affecting the workplace. We (HR Professionals) are the people that implement the legislation you pass, on a day-to-day front line level.

SHRM Hawaii opposes HCR 15, which encourages the establishment of paid family leave or similar wage replacement programs to assist family caregivers.

The bill as written would duplicate some of the protections currently provided by the Family Medical Leave Act (FMLA) and Hawaii Family Leave Act (HFLA), which provide employment status protection and continuation of employer paid benefits, such as medical insurance benefits, while an employee is on either leave, which could be up to 12 weeks. These leaves can be taken to care for an employee's spouse, parents, children, and/or dependents.

Our existing Hawaii law (HFLA) currently expands on the Federal law (FMLA) to include time off to care for an employee's parents (biological, hanai, parent-in-laws, foster/adoptive, step-parents,) grandparents (biological, adoptive, and in-law), legal guardians, children, and all dependents. Also, under HFLA, an employee has the option to use their personal sick time off while on leave to help financially offset their loss of wages. Therefore, it would be burdensome and complex for employers to administrate an additional law.

It is for these reasons SHRM Hawaii opposes HCR 15.

Thank you for the opportunity to testify. SHRM Hawaii offers the assistance of its Legislative Committee members in discussing this matter further.

The National Multiple Sclerosis Society concurs with HCR No. 15 which encourages stakeholders and interested parties to work together to establish paid family leave or similar wage replacement programs to assist family caregivers.

Multiple sclerosis is a chronic, often disabling disease of the central nervous system that can affect every part of the body. Symptoms of MS are unpredictable and vary from person to person and from time to time in the same person. They range from tingling to blindness and paralysis and can be moderate or severe; temporary or permanent. People with MS are usually diagnosed between the ages of 20 and 50, but both children and older people are diagnosed with MS too. MS is not a fatal disease and people with MS have a normal or near-normal life expectancy. In some cases, caregiving can begin within years of a family member receiving a diagnosis of multiple sclerosis.

Up to a quarter of individuals living with MS require long-term care services at some point during the course of the disease. Often, a family member steps into the role of primary caregiver to be closer to the individual with MS and involved in care decisions. Home healthcare needs are expensive, and most people do not have the resources to pay for in-home help. Home-based care often is less expensive than placing an individual in a long-term care facility and family members usually provide that care while balancing a career, raising a family, and/or caring for family members.

Thank you for allowing the National MS Society to voice our support of HCR No. 15.

### Lyn Moku

CARE