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LATE TESTIMONY



Testimony to the House Committee on Economic Revitalization, Business, and Military Affairs
Thursday, January 29, 2009
8:30 AM
Conference Room 312

RE: HOUSE BILL NO. 450 & 720 RELATING TO FAMILY LEAVE

Chair McKelvey, Vice Chair Choy, and members of the committee.

My name is Charles Ota and I am the Vice President for the Military Affairs Committee of The Chamber of Commerce of Hawaii (The Chamber). I am here to state The Chamber's support of the intent of House Bill No. 450 and 720, Relating to Family Leave.

The Chamber's Military Affairs Council (MAC) serves as the liaison for the state in matters relating to the U.S. military and provides oversight for the State's multi-billion dollar defense industry.

The measure proposes to grant 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. Requires an employee to provide proof of military deployment, and defines "military deployment".

I would specifically like to address SECTION 2, paragraph (a) (4) of this bill.

The MAC believes that this proposal was introduced to relieve serious family stresses for members of the Hawaii Army and Air National Guard units and Hawaii-based US military Reserve units that are being recalled to active duty to augment the over-burdened active duty force in the ongoing war against terrorism. Many of these National Guard and Reserve members, and their families, are facing extremely stressful situations that require strong family support. We support the intent of this proposal.

However, we believe that the verbiage in the above cited paragraph is broader than the federal law enacted by the Family and Medical Leave Act of 1993 (as amended) and could result in confusion for Hawaii employers, especially with the most recent changes that were prompted by the National Defense Authorization Act of FY 2008 on January 16, 2009.

In light of the above, we recommend that paragraph (a) (4) under SECTION 2 be revised to read as follows:

"(4) Any qualifying exigency (as provided by regulation 29 C.F.R 825.126) arising out of the fact that the spouse, reciprocal beneficiary, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call or order to active duty, in the Armed Forces of the United States in support of a contingency operation."

For these reasons, the MAC recommends the measure be held unless the proposal is reworded accordingly.

Thank you very much for the opportunity to testify.