



**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

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February 2, 2011

To: The Honorable Karl Rhoads, Chair
The Honorable Angus L.K. McKelvey, Chair
and Members of the House Committee on Labor & Public Employment
and Members of the House Committee on Economic Revitalization & Business

Date: Friday, February 4, 2011
Time: 9:00 a.m.
Place: Conference Room 309, State Capitol

From: Dwight Y. Takamine, Director
Department of Labor and Industrial Relations

Re: H.B. No. 884 Relating to Family Leave

I. OVERVIEW OF PROPOSED LEGISLATION

H.B. 884 amends the Family Leave Law, Chapter 398, Hawaii Revised Statutes (HRS) by amending the family leave requirement to permit an employee to utilize family leave time to care for a sibling.

II. CURRENT LAW

Employees are entitled to a total of four weeks of family leave during any calendar year upon the birth of a child of the employee, the adoption of a child, or to care for the employee's child, spouse or reciprocal beneficiary, or parent with a serious health condition. The care of siblings is not covered.

III. HOUSE BILL

The department supports H.B. 884.

Hawaii has a rich tradition of the family concept of "Ohana". To extend the ability to take family leave to care for one's sibling exemplifies this tradition of caring for family members.

However, the department recommends that H.B. 884 include an amendment to Section 398-1, Definitions; to define sibling.

- Currently under Section 398-1, HRS, the law provides specific definitions for each family member. For example, a "Parent" means a biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, a grandparent, or a grandparent-in-law."
- Without such a definition for sibling, there will be confusion on whether sibling would mean only a sibling that is blood related, or as in the situation of a "Parent", if a sibling would also mean a step sibling, sibling-in-law or even a "hanai" sibling.

The department asks that you consider our recommendation.



The Chamber of Commerce of Hawaii
The Voice of Business in Hawaii

LATE

**Testimony to the House Committees on Economic Revitalization & Business
and Labor & Public Employment
Friday, February 4, 2011
9:00 a.m. – 12:00 p.m.
State Capitol - Conference Room 309**

RE: HOUSE BILL NO. 884 RELATING TO FAMILY LEAVE

Chairs Rhoads and McKelvey, Vice Chairs Yamashita and Choy, and members of the committees:

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. 884, relating to Family Leave at this time.

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.

House Bill 884 amends the family leave requirement to permit an employee to utilize family leave time to care for a sibling.

The term, "sibling," could cover a broad-base of individuals. Does it mean only full, half, or step sibling, hanai or adopted sibling. Also, due to the current state of the economy, many employers are operating with minimum resources and requiring them to extend leave for additional reasons would further impact employers, some of whom are just barely making ends meet.

The Chamber respectfully requests that the committees take this into consideration.

Thank you for the opportunity to provide comments.

LATE

HB884 (Including Siblings into Family Leave)
LABOR/FINANCE Committees

HB884 – LABOR Hearing

Thank you for the opportunity to present testimony regarding HB 884 (Inclusion of Siblings in Family Leave). I appreciate your time and attention.

Here in Hawaii, when we speak of family, most assume that family is everyone within one's OHANA. Currently, the family leave requirement allows leave to care for the employee's child, spouse or reciprocal beneficiary, or parent with a serious health condition. Siblings, however, are excluded from "Family Leave."

If we are considering "Domestic Partners" to be added for Family Leave and Funeral Leave, should we not include siblings? After all, it does not matter if the family member is related by blood or became a member of the OHANA by the traditional Hawaiian way, HANAI. They are family.

Please consider; if parents or elders of the family are no longer with us, but there are siblings that need assistance, family members, such as Brothers and Sisters, usually advocate on their behalf. Currently, FUNERAL LEAVE includes siblings (brothers and sisters), therefore, siblings should be included in FAMILY LEAVE. Funeral Leave and Family Leave relate to the same type of circumstance, caring for and advocating for one's OHANA. Siblings should be afforded the same recognition in FAMILY LEAVE as they have in FUNERAL LEAVE.

Thank you and please consider adding siblings to FAMILY LEAVE.

Helen H Hamada