



**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.