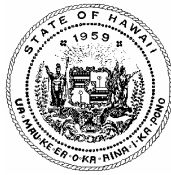


**HB 884, HD1**



**STATE OF HAWAII**  
**DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT**  
235 S. BERETANIA STREET  
HONOLULU, HAWAII 96813-2437

February 21, 2012

**TESTIMONY TO THE  
SENATE COMMITTEE ON JUDICIARY AND LABOR**

For Hearing on Thursday, February 23, 2012  
10:00 a.m., Conference Room 016

BY

BARBARA A. KRIEG  
INTERIM DIRECTOR

**House Bill No. 884, HD1  
Relating to Family Leave**

**(WRITTEN TESTIMONY ONLY)**

TO CHAIRPERSON CLAYTON HEE AND MEMBERS OF THE COMMITTEE:

The purpose of H.B. No. 884, H.D.1 is to amend the family leave requirement to permit an employee to utilize family leave time to care for a sibling; and adds the definition of "sibling" to mean a biological or adoptive brother or sister.

The Department of Human Resources Development supports the intent of this bill, however, we have the following concerns since we must balance the personal needs of our State employees with the needs of our line operations and the taxpaying public for whom we serve:

1. The State government already provides generous leave benefits for our employees, which can be applied towards the care for a sibling.
2. Adding this leave benefit will increase costs in situations where overtime or other expenses will need to be incurred to provide coverage for employees utilizing this new leave, especially in our 24/7 operations. It

could also affect services to the public since many of our agencies are already short-staffed due to the current fiscal situation.

Thank you for the opportunity to testify on this measure.



**HAWAII GOVERNMENT EMPLOYEES ASSOCIATION**  
AFSCME Local 152, AFL-CIO

**RANDY PERREIRA**, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Twenty-Sixth Legislature  
The Senate  
Committee on Judiciary and Labor

Testimony by  
Hawaii Government Employees Association  
February 23, 2012

H.B. 884, H.D. 1 – RELATING TO FAMILY LEAVE

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the purpose and intent of H.B. 884, H.D. 1, which amends the family leave requirement to allow an employee to use family leave to care for a sibling.

Currently, Chapter 398-3 HRS allows for an employee to use four weeks of family leave upon the birth or adoption of a child, to care for a child, spouse, reciprocal beneficiary, or parent with a serious health condition, but does not include care of a sibling. In some cases, an individual may only have a sibling who can provide care during illness. Further, our collective bargaining agreements allow for employees to use Funeral Leave upon the passing of their immediate family, which includes siblings. We support legislation that would allow employees the ability to utilize Family Leave to care for all of their family members – parents, spouses, children and siblings.

Thank you for the opportunity to provide testimony in support of H.B. 884, H.D. 1.

Respectfully submitted,

Randy Perreira  
Executive Director

Aloha e Senator Hee, etal,

I am writing in regards to the scheduled hearing for the above referenced HB884 on Thursday, February 23, 2012. My mother Ricki Aikau proposed this bill 2 years ago, after she went home to take care of her sister as she fought cancer. She lost the battle, as do so many. I am writing this testimony to ask for your deepest sympathy for this matter. I personally am not a State Employee but would like to support the bill 100%.

Mahalo,

Piilani Kaalekahi

To: The Honorable Clayton Hee, Chair  
And members of the House Committee on Judiciary and Labor  
DATE: Thursday, February 23, 2012.  
TIME: 10:00 a.m.  
PLACE: Conference Room 016, State Capitol, 415 South Beretania Street

#### RELATING TO FAMILY LEAVE

I strongly support House Bill 884, which amends the State family leave requirement to permit an employee to use family leave time to care for a sibling.

I am employed as a supervisor in a State of Hawaii agency. Two years ago one of my employees flew 3,000 miles with only a few days' notice, to care for her last surviving family member, a sister, as she died of terminal cancer.

After the sister's home hospice death, the employee returned home to Hawaii. Both I and my immediate supervisor signed off on her Family Leave papers, reasoning that although 'sibling' was not included in the definition of family, flexibility in such a sad situation could certainly be exercised. We were wrong. My employee's request was denied at the Agency level. This grieving employee, who had just watched her last family member die, was directed to use vacation leave.

The employee strongly felt that the experience was not a vacation, and that she should be allowed to use Family Leave. Most would agree. Despite a request from the employee's U.S. Congressperson, the State Agency would not make an exception.

Ultimately, the deceased sister's physician certified that my employee would have been unable to perform her duties at work if she had been here, and so she was able to use sick leave to cover her absence. While sick leave did not truly reflect the way her time was spent, it was more truthful than calling her absence a vacation.

This is not a story of an employee wanting to save her vacation leave. This is a story of a family member who rebelled at being forced to label a tragic situation 'vacation.' Perhaps if the State were able to exercise flexibility and make exceptions on a case by case basis, this bill would not have had to be introduced. Since this is not the case, I urge this committee to pass House Bill 884.

Respectfully,

Christel J. Collins  
1739 Puowaina Drive  
Honolulu, HI 96813  
Christel.j.Collins@gmail.com

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [ldgaikau@aol.com](mailto:ldgaikau@aol.com)  
**Subject:** Testimony for HB884 on 2/23/2012 10:00:00 AM  
**Date:** Monday, February 20, 2012 9:46:25 AM

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Testimony for JDL 2/23/2012 10:00:00 AM HB884

Conference room: 016  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Linda Gillette  
Organization: Individual  
E-mail: [ldgaikau@aol.com](mailto:ldgaikau@aol.com)  
Submitted on: 2/20/2012

Comments:

I believe it is necessary to approve and to add this amendment related to Family Leave to include siblings because there are situations where the only relative able to care for an individual is a sibling. A brother or sister is no less important or valuable to an individual than a mother, father, spouse, or child is, and, in fact, and in many circumstance, may be even more in touch with an individuals needs at a time of crisis or illness. This is especially true in the Hawaiian Ohana.  
Mahalo.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [scoleman34@gmail.com](mailto:scoleman34@gmail.com)  
**Subject:** Testimony for HB884 on 2/23/2012 10:00:00 AM  
**Date:** Tuesday, February 21, 2012 11:29:29 AM

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Testimony for JDL 2/23/2012 10:00:00 AM HB884

Conference room: 016  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Stuart COLEMAN  
Organization: Individual  
E-mail: [scoleman34@gmail.com](mailto:scoleman34@gmail.com)  
Submitted on: 2/21/2012

Comments:

My name is Stuart Coleman, and I am a writer and environmental consultant in the McCully area. I'm writing in strong support of HB884 because it amends the family leave requirement to include "siblings" so people can take care of their brothers and sisters when they are ill. This is a strong, common sense bill, and the people of Hawaii will welcome the change. Mahalo for your support!  
Aloha, Stuart



**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [ricketaika@aol.com](mailto:ricketaika@aol.com)  
**Subject:** Testimony for HB884 on 2/23/2012 10:00:00 AM  
**Date:** Monday, February 20, 2012 4:19:33 PM

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Testimony for JDL 2/23/2012 10:00:00 AM HB884

Conference room: 016  
Testifier position: Support  
Testifier will be present: Yes  
Submitted by: Ms. Ricki Aikau  
Organization: Individual  
E-mail: [ricketaika@aol.com](mailto:ricketaika@aol.com)  
Submitted on: 2/20/2012

Comments:

Aloha e Senator Hee, etal,

I am writing in regards to the scheduled hearing for the above referenced HB884 on Thursday, February 23, 2012. I proposed this bill 2 years ago, after I went home to take care of my precious sister as she fought cancer. She lost the battle, as do so many. When I returned to work I discovered that sick leave does not cover siblings! The only "nays" regarding this bill last legislative session were concerned with: 1) small business not being able to function if family leave is granted to siblings. That demeans the average person. If a sibling needs help, a sibling is the obvious choice when there is no husband or child available to help for whatever reason ( deceased, ill, working, etc). A sibling caring for a sibling in need is not able to function at the work place because that is the nature of family. We look alike, we think alike, we feel each other's pain. We love each other. Noone wants to miss work, and noone is going to play golf and say they are caring for a sibling. They are doing what they have to do, what they must do. 2) The State Government already provides generous sick leave benefits, which can be applied towards the care of a sibling. Yes, but that is not the purpose of sick leave. The benefit of sick leave for an employee is for when the employee is sick. 3) "Adding this leave benefit will increase costs in situations where overtime or other expenses will need to be incurred to provide coverage for employees utilizing this new leave, especially in our 24/7 operations." I am not sure how this would , as however the position is filled while the employee is caring for their sibling, would create the same situation if the employee took sick leave. "It could also affect services to the public since many of our agencies are already short-staffed due to the current fiscal situation." Once again, the employee is going to be useless on the job, as their sibling is suffering and in need of help – they need to be with their sibling. If they take sick leave – same thing. Call it what it is – "Family Leave".

I do not have a problem with defining "sibling", but recognize the sensitivity of doing same. A legal member of the family, whether through adoption or birth? I do not know how it was determined who is a reciprocal beneficiary, but that may provide an aid in the definition. But truly, blood sisters/brothers with the same mother and father can not be denied!

Please help me to get this bill passed! I have no more sisters, or siblings, but many government workers do, and it is them that I am considering as I gather support for this bill. Thank you for hearing my testimony.

Ms. Ricki Aikau