

NEIL ABERCROMBIE
GOVERNOR



DWIGHT Y. TAKAMINE
DIRECTOR

AUDREY HIDANO
DEPUTY DIRECTOR

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

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January 28, 2013

To: The Honorable K. Mark Takai, Chair, The Honorable Ken Ito, Vice Chair, and Members of the House Committee on Veterans, Military, & International Affairs, & Culture and the Arts.

Date: Wednesday, January 30, 2013

Time: 8:30 a.m.

Place: Conference Room 312, State Capitol

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

Re: H.B. No. 169 Relating to Family Leave

I. OVERVIEW OF PROPOSED LEGISLATION

H.B. 169 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 for certain activities when a family member is on active duty.

The department supports H.B. 169, and defers to the Department of Defense as to their experience with the federal Family Medical Leave Act Military Family Leave Entitlements.

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 employees whose family member is in the military is not specifically covered.

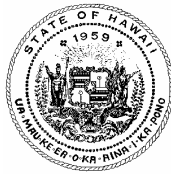
III. HOUSE BILL

Hawaii has a rich tradition of cooperation and support of our service members. To extend the ability to take family leave to take care of activities necessitated by a family member who is proudly serving in the defense of one's country is commendable.

Eligible employees to take the leave under this measure are likely to be those not already covered under the FMLA Military Family Leave Entitlements. These are likely to be employees of companies with 100 or more employees who have worked only 6 months for the company, or are reciprocal beneficiaries or grandparents-in-law of eligible service members.

This measure will also allow all eligible employees of more 100 or more employees to take up to ten sick days for this type of leave where in the federal environment the employer can determine if sick leave will be used.

NEIL ABERCROMBIE
GOVERNOR



BARBARA A. KRIEG
DIRECTOR

LEILA A. KAGAWA
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
235 S. BERETANIA STREET
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January 28, 2013

TESTIMONY TO THE
HOUSE COMMITTEE
ON
VETERANS, MILITARY, & INTERNATIONAL AFFAIRS, & CULTURE AND THE ARTS

For Hearing on Wednesday, January 30, 2013
8:30 a.m., Conference Room 312

BY

BARBARA A. KRIEG
DIRECTOR

House Bill No. 169
Relating to Family Leave

WRITTEN TESTIMONY ONLY

TO CHAIRPERSON TAKAI AND MEMBERS OF THE COMMITTEE:

H.B. 169 allows an employee with a family member in the United States armed forces who is on active duty or notified of a call to active duty, to use family leave for certain activities for which an employee may take military family leave under federal law. The effective date is July 1, 2013.

The Department of Human Resources Development supports the intent of the measure and deeply appreciates the sacrifices made by those in the military service and their family members. However, we are concerned the bill, as currently drafted, does not provide the employer with a mechanism to certify the validity of these requests for family leave as there are for other family leave purposes.

As such, we recommend that Section 398-6, "Certification," of the Hawaii Revised Statutes, be amended as follows:

"Section 398-6 Certification ***

(d) Leave for a qualifying exigency shall be supported by a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party."

The above recommended language follows the language and application of the federal Family and Medical Leave Act certification requirements.

Thank you for the opportunity to testify on this measure.



January 29, 2013

**TESTIMONY IN SUPPORT OF HOUSE BILL 169
RELATING TO FAMILY LEAVE.**

**HOUSE COMMITTEE ON VETERANS, MILITARY AND INTERNATIONAL
AND CULTURAL AFFAIRS**

**HEARING ON WEDNESDAY, JANUARY 30TH AT 8:30 AM,
IN CONFERENCE ROOM 312**

Aloha Chair Takai: The Oahu Veterans Council is honored to serve at the pleasure of our veterans and their families. On January 26th, our delegates reviewed and voted unanimously to support House Bill 169.

We are extremely grateful for your efforts to Allow an employee with a family member in the United States armed forces who is on active duty or notified of a call to active duty, to use family leave for certain activities for which an employee may take military family leave under federal law.

Providing this legislative protection state law is much appreciated by family members of our Veterans, and military/guard personnel who serve so selflessly and ask for no more recognition than we would expect for ourselves.

The Oahu Veterans Council respectfully urges your committee to consider passing House Bill 169 as written. Mahalo, for allowing us to testify, regarding this extremely important issue.

Dennis Egge

Dennis Egge; Chairman, Legislative Committee



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LATE TESTIMONY

STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON HOUSE BILL 169, RELATING TO FAMILY LEAVE

PRESENTATION TO THE
COMMITTEE ON VETERANS, MILITARY, & INTERNATIONAL AFFAIRS,
& CULTURE AND THE ARTS

BY

MR. RONALD P. HAN
DIRECTOR OF THE STATE OFFICE OF VETERANS SERVICES

January 30, 2013

Good morning Chair Takai, Vice-Chair Ito, and Committee members:

I'm Ron Han, Director of the State Office of Veterans Services (OVS). I appreciate this opportunity to provide testimony in support of House Bill 169 as long as its implementation does not impact or replace the priorities set forth in the Executive Biennium Budget for Fiscal Biennium 2013-2015.

This bill proposes to allow an employee with a family member in the armed forces of the United States to use family leave for certain activities for which that employee may use military family leave under federal law. As a veteran representing veterans who have been notified and called to active duty, there are many processes that are required to be accomplished prior to departing. These include financial arrangements, powers of attorney, arrangements with other family members and the list goes on. We as a State and Nation ask our Guard, Reserve and Active duty members to be ready to respond to the nation's needs. This bill assures that the member's family can make and complete all arrangements necessary for the member to do this nation's business and provide for their family.

Thank you for this opportunity to provide testimony on HB 169.