

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

January 28, 2013

**TESTIMONY TO THE  
HOUSE COMMITTEE  
ON  
LABOR & PUBLIC EMPLOYMENT**

For Hearing on Tuesday, January 29, 2013  
9:00 a.m., Conference Room 309

BY

BARBARA A. KRIEG  
DIRECTOR

**House Bill No. 456**  
**Relating to Family Leave**

**WRITTEN TESTIMONY ONLY**

TO CHAIRPERSON NAKASHIMA AND MEMBERS OF THE COMMITTEE:

The purpose of H.B. No. 456 is to amend the family leave requirement to permit an employee to utilize family leave time to care for a sibling. The bill also defines "sibling" to mean one of two or more individuals having at least one parent in common whether biologically or by adoption.

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 operating with limited staff resources.

Thank you for the opportunity to testify on this measure



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

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[www.hawaii.gov/labor](http://www.hawaii.gov/labor)  
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January 25, 2013

To: The Honorable Mark M. Nakashima, Chair, Mark J. Hashem, Vice Chair, and  
Members of the House Committee on Labor & Public Employment

Date: Tuesday, January 29, 2013  
Time: 9:00 a.m.  
Place: Conference Room 309, State Capitol

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

**Re: H.B. No. 456 Relating to Family Leave**

**I. OVERVIEW OF PROPOSED LEGISLATION**

H.B. 456 amends the Family Leave Law, Chapter 398, Hawaii Revised Statutes by amending the family leave requirement to permit an employee to utilize family leave time to care for a sibling.

The department supports H.B. 456.

**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.

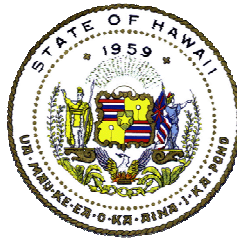
**III. COMMENTS ON THE HOUSE BILL**

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

The department would like to point out that in the definition of sibling is limited to the biological or adopted sibling. However, for parent, the definition includes step and in-law relationships and wonder if the committee wishes to keep the limitation or expand the definition to at least be the same as a parent for consistency.

The department defers to the Department of Human Resources Development in regards to the fiscal and other impacts to the State.

NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Blvd. 4<sup>th</sup> Floor  
Honolulu, Hawaii 96813

**TED SAKAI**  
INTERIM DIRECTOR

**MARTHA TORNEY**  
Deputy Director of  
Administration

Deputy Director  
Corrections

**KEITH KAMITA**  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL 456  
A BILL FOR AN ACT RELATING TO FAMILY LEAVE

By

Ted Sakai, Interim Director  
Department of Public Safety

House Committee on Labor  
Representative Mark M. Nakashima, Chair  
Representative Mark J. Hashem, Vice Chair

Tuesday, January 29, 2013, 9:00 AM  
State Capitol, Room 309

Chair Nakashima, Vice Chair Hashem and Members of the Committee:

The Department of Public Safety (PSD) opposes House Bill 456 which adds new eligibility criteria to the Hawaii Family Leave Law (HFLL) by including the care of “siblings” as a reason for employees to take a maximum of four weeks of leave from their employment.

The Department feels that in the interest of consistency and the efficient management of operations the current provisions of the Federal Family Medical Leave Act (FMLA) provides sufficient parameters as to the eligibility criteria for HFLL. It is noted that HFLL does include additional categories of eligibility that are not incorporated in FMLA, however to include “siblings” may significantly impact our operation. It is important to note that the FMLA expands the criteria to include “siblings” in only the section related to Military Family Leave Entitlements,

which is reserved for injured military service members.

The Department believes that House Bill 456 will negatively impact private sector and public sector employers as it will impact the staffing and management operations.

Thank you for the opportunity to testify on this matter.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 8:13 PM  
**To:** LABtestimony  
**Cc:** rickiaikau@aol.com  
**Subject:** Submitted testimony for HB456 on Jan 29, 2013 09:00AM

**HB456**

Submitted on: 1/27/2013

Testimony for LAB on Jan 29, 2013 09:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Fredericka P. Aikau	Individual	Support	No

Comments: Hawaii is a state filled with civil servants. Civil servants, along with the general populace in Hawaii, hold family as #1 priority and love. We take care of our family - especially when they are left alone by the passing of a spouse. We take care of our siblings, when they are left alone, and need our care. We must have in place Family leave, which must cover siblings, to keep the family unit whole and true.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)



## HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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

The Twenty-seventh Legislature, State of Hawaii  
House of Representatives  
Committee on Labor and Public Employment

Testimony by  
Hawaii Government Employees Association  
January 29, 2013

H.B. 456 – RELATING TO  
FAMILY LEAVE

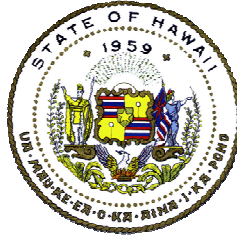
The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of H.B. 456, which amends the family leave requirement to allow an employee to utilize family leave to care for a sibling.

Currently, Chapter 398-3 of the Hawaii Revised Statutes 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 for 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 included employees to use Funeral Leave upon the passing of their immediate family, inclusive of siblings. We strongly 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. 456.

Respectfully submitted,  
  
Randy Perreira  
Executive Director

NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Blvd. 4<sup>th</sup> Floor  
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A BILL FOR AN ACT RELATING TO FAMILY LEAVE

By

Ted Sakai, Interim Director  
Department of Public Safety

House Committee on Labor  
Representative Mark M. Nakashima, Chair  
Representative Mark J. Hashem, Vice Chair

Tuesday, January 29, 2013, 9:00 AM  
State Capitol, Room 309

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The Department feels that in the interest of consistency and the efficient management of operations the current provisions of the Federal Family Medical Leave Act (FMLA) provides sufficient parameters as to the eligibility criteria for HFLL. It is noted that HFLL does include additional categories of eligibility that are not incorporated in FMLA, however to include “siblings” may significantly impact our operation. It is important to note that the FMLA expands the criteria to include “siblings” in only the section related to Military Family Leave Entitlements,



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The Department believes that House Bill 456 will negatively impact private sector and public sector employers as it will impact the staffing and management operations.

Thank you for the opportunity to testify on this matter.



House Committee on Labor & Public Employment  
Tuesday, January 29, 2013 / 9:00 AM  
Hawai'i State Capitol, Room 309

House Bill 456 RE: Family Leave

Aloha Chair Nakashima, Vice Chair Hashem and members of the committee. On behalf of the members of the Society for Human Resource Management – Hawai'i Chapter (SHRM Hawai'i), we would like to thank you for the opportunity to comment on House Bill 456, relating to employment practices. We are opposed to HB 456, which permits an employee to use family leave time to care for a sibling and defines sibling as "one of two or more individuals having at least one parent in common whether biologically or by adoption."

We are concerned HB 456 has the potential to conflict with other leave requirements and policies on the local, state and federal levels including the Family Medical Leave Act. SHRM Hawai'i represents over 700 human resource professionals in the State of Hawai'i. We are eager to share our expertise with policymakers and welcome a positive dialogue on workplace flexibility policy.

Once again, thank you for this opportunity to testify on this measure.

Twenty-Seventh Legislature  
Regular Session of 2013

HOUSE OF REPRESENTATIVES  
Committee on Labor & Public Employment  
Rep. Mark M. Nakashima, Chair  
Rep. Mark J. Hashem, Vice Chair  
State Capitol, Conference Room 309  
Tuesday, January 29, 2013; 9:00 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 456  
RELATING TO FAMILY LEAVE**

The ILWU Local 142 supports H.B. 456, which permits an employee to use family leave time to care for a sibling.

In Hawaii, the definition of “family” extends beyond the nuclear family (i.e., mother, father, children) to include grandparents, aunts, uncles, brothers, and sisters. When a family member needs care, such care is provided by relatives regardless of whether or not their relationships are covered under the Hawaii Family Leave Law.

However, inclusion of other relatives afforded family leave protections is highly appropriate. When an employee takes family leave to care for a relative, the employee assumes a burden that may otherwise be left for public agencies (and taxpayers) to bear. Or the care recipient may be left without any support at a critical time of need.

The ILWU urges passage of H.B. 456. Thank you for allowing us to testify on this matter.

**Testimony to the House Committees on Labor & Public Employment  
Tuesday, January 29, 2013 at 9:00 A.M.  
State Capitol - Conference Room 309**

**RE: HOUSE BILL NO. 456 RELATING TO FAMILY LEAVE**

Chair Nakashima, Vice Chair Hashem, and members of the committees:

The Chamber **opposes** House Bill No. 456, relating to Family Leave.

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

While we empathize with an employee his or her need to care for a sibling at certain times, we suggest consistency with existing laws. Siblings may already have caregivers who may take leave under both state and federal leave laws. Children, parents and spouses can take leave to care for an individual.

Furthermore, due to the still fragile economic recovery, 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. While this is not the sole reason against the bill, the Chamber respectfully requests that the committees take this into consideration.

We understand the difficult issue facing our community in taking care of our family members. However, we are not sure that business should bear the cost alone in addressing this complicated issue as many businesses cannot pass on the cost to the consumer.

Thank you for the opportunity to provide comments.