



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

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February 7, 2013

To: The Honorable Clayton Hee, Chair, Maile S.L. Shimabukuro Vice Chair, and Members of the Senate Committee on Judiciary and Labor

Date: Thursday, February 7, 2013  
Time: 10:00 a.m.  
Place: Conference Room 016, State Capitol

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

**Re: S.B. No. 1288 Relating to Family Leave**

**I. OVERVIEW OF PROPOSED LEGISLATION**

S.B. 1288 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 S.B. 1288.

**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 SENATE 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 SENATE BILL 1288  
A BILL FOR AN ACT RELATING TO FAMILY LEAVE

By  
Ted Sakai, Interim Director  
Department of Public Safety

Senate Committee on Judiciary and Labor  
Senator Clayton Hee, Chair  
Maile S.L. Shimabukuro, Vice Chair

Thursday, February 7, 2013, 10:00 AM  
State Capitol, Room 016

Chair Hee, Vice Chair Shimabukuro and Members of the Committee:

The Department of Public Safety (PSD) opposes Senate Bill 1288 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 Senate Bill 1288 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.

NEIL ABERCROMBIE  
GOVERNOR



BARBARA A. KRIEG  
DIRECTOR

LEILA A. KAGAWA  
DEPUTY DIRECTOR

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

February 5, 2013

TESTIMONY TO THE  
SENATE COMMITTEE ON JUDICIARY AND LABOR

For Hearing on Thursday, February 7, 2013  
10:00 a.m., Conference Room 16

BY

BARBARA A. KRIEG  
DIRECTOR

**Senate Bill No. 1288**  
**Relating to Family Leave**

TO CHAIRPERSON HEE AND MEMBERS OF THE COMMITTEE

Thank you for the opportunity to provide testimony on S.B. 1288.

S.B. 1288 proposes to amend the family leave requirement to permit an employee to use family leave to care for a sibling effective July 1, 2013. 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.

Permitting employees to take family leave to care for their sibling with a serious health condition is admirable. However, the Department of Human Resources Development has concerns with the measure 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.

S.B. 1288 requires employers to allow their employees to take a total of four weeks of family leave during a calendar year to care for a sibling with serious health conditions. This mandate will negatively impact state departments and agencies as operational requirements are not a consideration in determining whether to grant the requested time off. The added qualifying relationship for family leave will also adversely impact 24/7 operations with mandated staffing levels because employees will need to be called in on overtime pay to staff shifts whenever their fellow employees utilize family leave, leading to an increase in overtime costs. Operations with limited resources will likely incur the same increased overtime costs in order to maintain their level of service to the public.

Additionally, we note the State of Hawaii already provides generous leave benefits which employees can utilize to care for a sibling who has a serious health condition.

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-Seventh Legislature, State of Hawaii  
The Senate  
Committee on Judiciary and Labor

Testimony by  
Hawaii Government Employees Association  
February 7, 2013

S.B. 1288 – RELATING TO FAMILY LEAVE

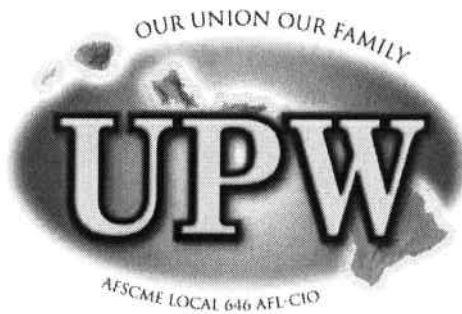
The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of S.B. 1288, which amends the family leave requirement to allow an employee to utilize family leave to care for a sibling.

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 S.B. 1288.

Respectfully submitted,

Randy Perreira  
Executive Director



THE HAWAII STATE HOUSE OF REPRESENTATIVES  
The Twenty-Seventh Legislature  
Regular Session of 2013

COMMITTEE ON JUDICIARY AND LABOR

The Honorable Sen. Clayton Hee, Chair  
The Honorable Sen. Maile Shimabukuro, Vice Chair

DATE OF HEARING: Thursday, February 7, 2013  
TIME OF HEARING: 10:00 AM  
PLACE OF HEARING: Conference Room 016

**TESTIMONY ON SB1288 RELATING TO FAMILY LEAVE**

By DAYTON M. NAKANELUA,  
State Director of the United Public Workers,  
AFSCME Local 646, AFL-CIO ("UPW")

My name is Dayton M. Nakanelua and I am the State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO (UPW). The UPW is the exclusive representative for approximately 14,000 public employees, which include blue collar, non-supervisory employees in Bargaining Unit 1 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represents about 1,500 members of the private sector.

The UPW supports SB1288 that permits an employee to use family leave time to care for a sibling. This bill recognizes the concept of ohana, which is caring for one's family. Siblings are an integral part of our families, and should be given the opportunity to be cared for by their loved ones. By allowing such care, an ill sibling could recover faster and substantially save on the costs of hiring a caregiver. For this reason we ask that you pass this measure out of Committee.

Thank you for the opportunity to testify on this measure.

## SENATE JUDICIARY COMMITTEE

Senator Clayton Hee and members of the Judiciary Committee

Thank you for the opportunity to present testimony regarding SB1288, introduced by Senator Suzanne Chun-Oakland (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." It does not matter if the family member is related by blood, adopted or had become a member by the traditional Hawaiian way, HANAI. They are family.

Please consider; if your/our parents or elders of the family are no longer with us, and your siblings need assistance, family members such as a Brother(s) and a Sister(s), will advocate on their behalf. Currently FUNERAL LEAVE includes siblings (brothers and sisters), therefore, siblings should also 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. Our Federal Law regarding Family Leave includes siblings, shouldn't Hawaii do so as well.

This amendment to Hawai'i's Family Leave provision will also clear any employee whose jobs may be in jeopardy because they are unable to assist until this provision permits the employee to do so.

Thank you and please consider adding siblings to FAMILY LEAVE. As the lyrics of "He Ain't Heavy, He's My Brother" illustrates, caring for one's brother or sister is something we all do. Thank you for your consideration.

Helen H Hamada



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# A BILL FOR AN ACT

RELATING TO FAMILY LEAVE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 398-1, Hawaii Revised Statutes, is  
2 amended by adding a new definition to be appropriately inserted  
3 and to read as follows:

4           "Sibling" means a biological or adoptive brother or  
5 sister."

6           SECTION 2. Section 398-3, Hawaii Revised Statutes, is  
7 amended by amending subsection (a) to read as follows:

8           "(a) An employee shall be entitled to a total of four  
9 weeks of family leave during any calendar year upon the birth of  
10 a child of the employee or the adoption of a child, or to care  
11 for the employee's child, sibling, spouse, civil union partner,  
12 or reciprocal beneficiary, or parent with a serious health  
13 condition."

14           SECTION 3. Section 398-6, Hawaii Revised Statutes, is  
15 amended by amending subsection (c) to read as follows:

16           "(c) When leave is to care for a child, sibling, spouse,  
17 civil union partner, or parent who has a serious health  
18 condition, certification shall be issued by the health care



# S.B. NO.

1 provider of the individual requiring care. Certification shall  
2 be considered sufficient if it provides information as required  
3 by the director."

4 SECTION 4. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.

6

INTRODUCED BY: \_\_\_\_\_



# S.B. NO.

**Report Title:**

Family Leave; Siblings

**Description:**

Adds definition of "sibling" to the Family Leave Law. Permits an employee to use family leave to care for a sibling or a civil union partner.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



**hee2 - Kathleen**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 04, 2013 12:34 PM  
**To:** JDLTestimony  
**Cc:** mendezj@hawaii.edu  
**Subject:** \*Submitted testimony for SB1288 on Feb 7, 2013 10:00AM\*

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**SB1288**

Submitted on: 2/4/2013

Testimony for JDL on Feb 7, 2013 10:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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