

## LATE TESTIMONY

**Testimony to the Senate Committee on Judiciary and Labor**  
**Thursday, February 7, 2013 at 10:00 A.M.**  
**State Capitol - Conference Room 016**

**RE: SENATE BILL NO. 1288 RELATING TO FAMILY LEAVE**

Chair Hee, Vice Chair Shimabukuro, and members of the committee:

The Chamber **opposes** Senate Bill No. 1288, 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.

Senate Bill 1288 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.

Twenty-Seventh Legislature  
Regular Session of 2013

THE SENATE

Committee on Judiciary and Labor  
Senator Clayton Hee, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair  
State Capitol, Conference Room 016  
Thursday, February 7, 2013; 10:00 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 1288  
RELATING TO FAMILY LEAVE**

The ILWU Local 142 supports S.B. 1288, 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 S.B. 1288. Thank you for allowing us to testify on this matter.

Senate Committee on Judiciary and Labor  
Thursday, February 7, 2013 / 10:00 AM  
Hawai'i State Capitol, Room 016

Senate Bill 1288, Relating to Family Leave

Aloha Chair Hee, Vice Chair Shimabukuro 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 Senate Bill 1288, relating to family leave. We are opposed to SB 1288, 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 SB 1288 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.

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**From:** Carol Ann Masutani [masutani@hawaii.edu]  
**Sent:** Thursday, February 07, 2013 5:31 AM  
**To:** JDLEvidence  
**Subject:** Fwd: family leave  
**Attachments:** SENATE JUDICIARY COMMITTEE on Family Leave.doc; ATT00001.txt

>X-Mailer: QUALCOMM Windows Eudora Version 7.1.0.9

>Date: Tue, 05 Feb 2013 15:28:09 -1000

>To: [masutani@hawaii.edu](mailto:masutani@hawaii.edu)

>From: Carol Ann Masutani <[masutani@hawaii.edu](mailto:masutani@hawaii.edu)>

>Subject: family leave

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## 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.

I was surprised and quite appalled to hear that under the State of Hawaii Family Leave provision, siblings are excluded from the definition of "Family." Currently, the Family Leave requirement only allows leave to care for the employee's child, spouse or reciprocal beneficiary, or parent with a serious health condition. It does not matter if the family member is related by blood, adopted or had become a member by the traditional Hawaiian way, HANAI.

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, so why does our State Law not include them?

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.

I urge you to please consider adding siblings to the FAMILY LEAVE provision. It is only the right thing to do for this Ohana State. Thank you for your consideration.