



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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

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

Testimony by
Hawaii Government Employees Association

February 12, 2016

H.B. 1683 – RELATING TO FAMILY LEAVE

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of H.B. 1683, 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 or 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. 1683.

Respectfully submitted,

Randy Perreira
Executive Director



Chamber of Commerce HAWAII
The Voice of Business

**Testimony to the House Committee on Labor & Public Employment and
Committee on Public Safety
Friday, February 12, 2016 at 10:00 A.M.
Conference Room 309, State Capitol**

RE: HOUSE BILL 1683 RELATING TO FAMILY LEAVE

Chairs Nakashima and Takayama, Vice Chairs Keohokalole and Yamashita, and Members of the Committees:

The Chamber of Commerce Hawaii ("The Chamber") **opposes** HB 1683, which permits an employee to use leave under the Hawaii Family Leave Law to care for a sibling.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 1,000 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 members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

We appreciate and understand the intent of this bill to allow for paid leave in the workplace. We are concerned that the amount of leave in this bill is in addition to other benefits currently offered by employers, and could allow for a large amount of leave available to an employee. This adversely affects businesses that need to find staffing to cover the employee on leave. We are also concerned of the economic impact of this new payroll tax.

Thank you for the opportunity to testify.



Executive Officers:
Derek Kurisu, KTA Superstores - Chairperson
John Erickson, Young's Market Company – Vice Chair
Bob Stout, Times Supermarkets – Secretary/Treasurer
Lauren Zirbel, Executive Director

1050 Bishop St. PMB 235
Honolulu, HI 96813
Fax : 808-791-0702
Telephone : 808-533-1292

TO:
COMMITTEE LABOR & PUBLIC EMPLOYMENT
Representative Mark Nakashima, Chair
Representative Jarrett Keohokalole, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: Friday, February 12, 2016
TIME: 10:00am
PLACE: Conference Room 309

RE: HB1683

Position: Oppose

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

While we understand the intent of this measure, we believe that including siblings in Hawaii's family leave law is overreaching and will result in additional costs that will negatively affect local businesses and our communities.

We believe that the bill's definition of "sibling" is overly broad and lacks clarification with regard to important considerations such as age, physical and cognitive abilities, and income. Is it reasonable to mandate leave for an employee whose sibling has a spouse and grown children who are able to provide care under current law?

Please keep in mind that profit margins are already quite sparse for grocers, which generally operate at a profit margin of around one percent. Hawaii's food prices can be up to seventy percent more than the national average and any additional costs will drive up grocery prices, punish low-income consumers and burden businesses.

Thank you for the opportunity to testify.

LABtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 10, 2016 1:15 PM
To: LABtestimony
Cc: annsfreed@gmail.com
Subject: Submitted testimony for HB1683 on Feb 12, 2016 10:00AM

Follow Up Flag: Follow up
Flag Status: Flagged

HB1683

Submitted on: 2/10/2016

Testimony for LAB on Feb 12, 2016 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Ann S Freed	Hawaii Women's Coalition	Support	No

Comments: Aloha Chair, Vice Chair and members, We are in support of this measure but would prefer that some form of comprehensive paid family leave be passed this session. Mahalo, Ann S. Freed, Co-Chair, Hawaii Women's Coalition.

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.

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UNIVERSITY of HAWAII*
KAPI'OLANI
COMMUNITY COLLEGE

Staff Council

February 10, 2016

Representative Mark Nakashima
Committee on Labor & Public Employment
House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Re: In support of House Bill 1683 Relating to Family Leave

Dear Representative Nakashima and the Committee on Labor & Public Employment Members:

Kapiolani Community College Staff Council is made up of one-hundred and fifty-four staff members that are immersed through each department and unit that serves and supports over five hundred faculty members and approximately 7,800 part- and full-time students.

H.B. 1683 is before the committee today to respond to a major law that protects employees who take time off work to care for sick relatives. This bill would legitimize siblings as family members in the eyes of employers so that employees could take off from work to care for their loved ones in times of emergency.

Currently, the Family and Medical Leave Act covers parents, grandparents, spouses, and partnerships from civil unions; but it does not include siblings. Under FMLA, certain employees are provided with up to 12 workweeks of unpaid, job-protected leave a year in order to care for their sick parents, children, or spouses. While this law provides rights and privileges to care for our loved ones, it does not legally recognize siblings as part of family members who an employee is entitled to take family and medical leave to care for.

Without passing these bills, the sibling relationship will continue to be materially different from those relationships that FMLA covers. Even despite our conception of "Ohana," employers will not be able to legally allow their employees to qualify for family and medical leave to care for their sisters and brothers who may depend on them to survive.

Passing this bill before the committee to include siblings would allow members to care for their sisters and brothers for important medical appointments, such as doctor and hospital appointments, or physical rehabilitation appointments.

These bills would also address the cost burden that members might incur while caring for siblings under the current federal law. Many of the Staff Council members are unable to afford hiring a caretaker to care for their siblings in times of emergency, and would not be able to take off from work for an extended period to care for a sister or brother in the absence of a caretaker.

H.B. 1683 takes a step forward to ensure a future where siblings are a part of our families. We, the undersigned, urge you to vote in favor for H.B. 1683 out of respect and recognition for the importance of family in our lives.

Signed: February 10, 2016

Brandon Marc Higa
Chairperson, Staff Council

Helen Hamada
Immediate Past Chair



Randy Perreira
President

HAWAII STATE AFL-CIO

345 Queen Street, Suite 500 • Honolulu, Hawaii 96813

Telephone: (808) 597-1441

Fax: (808) 593-2149

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

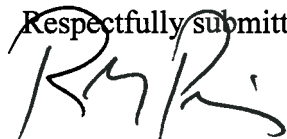
Testimony by
Hawaii State AFL-CIO
February 12, 2016

H.B. 1683 – RELATING TO
FAMILY LEAVE

The Hawaii State AFL-CIO strongly supports H.B. 1683 which permits an employee to use leave under the Hawaii Family Leave Law to care for a sibling.

From time to time, members of our family are unfortunately diagnosed with serious illnesses. Sometimes it is our parents or children and other times it may be our brothers or sisters. More often than not, they rely on their family for care and emotional support and every so often the family members there for them may only be their brothers and/or sisters. Supporting H.B. 1683 will ensure those who rely on their siblings for care will have that care provided to them.

Thank you for the opportunity to testify.

Respectfully submitted,


Randy Perreira
President

LABtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 11, 2016 9:26 AM
To: LABtestimony
Cc: wfujio@abcstores.com
Subject: *Submitted testimony for HB1683 on Feb 12, 2016 10:00AM*

Follow Up Flag: Follow up
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HB1683

Submitted on: 2/11/2016

Testimony for LAB on Feb 12, 2016 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Wendy	ABC Stores	Oppose	No

Comments:

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February 10, 2016

Representative Mark Nakashima
Committee on Labor & Public Employment
House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Re: In support of House Bill 1683 Relating to Family Leave

Dear Representative Nakashima and the Committee on Labor & Public Employment Members:

Are my brothers and sisters considered part of my family? According to the Family and Medical Leave Act (FMLA) of 1993, they are not.

H.B. 1683 are before the committee today to respond to a major law that protects employees who take time off work to care for sick relatives. These bills would legitimize siblings as family members in the eyes of employers so that employees could take off from work to care for their loved ones in times of emergency.


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Without passing these bills, the sibling relationship will continue to be materially different from those relationships that FMLA covers. Even despite our conception of "Ohana," employers will not be able to legally allow their employees to qualify for family and medical leave to care for their sisters and brothers who may depend on them to survive.

Passing the bills before the committee to include siblings would allow members to care for their sisters and brothers for important medical appointments, such as doctor and hospital appointments, or physical rehabilitation appointments. These bills would also address the cost burden that members might incur while caring for siblings under the current federal law. Many of the Staff Council members are unable to afford hiring a caretaker to care for their siblings in times of emergency, and would not be able to take off from work for an extended period to care for a sister or brother in the absence of a caretaker.

H.B. 1683 takes a step forward to ensure a future where siblings are a part of our families. I urge you to vote in favor for H.B. 1683 out of respect and recognition for the importance of family in our lives.

Signed: February 10, 2016


Brandon Marc Higa
HGEA BUo8 Steward


Helen Hamada
HGEA BUo8 Steward

February 10, 2016

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Committee on Labor & Public Employment
House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

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Signed: February 10, 2016


Brandon Marc Higa
HGEA BUo8 Steward


Helen Hamada
HGEA BUo8 Steward

LABtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 11, 2016 10:34 AM
To: LABtestimony
Cc: paulah22@hawaii.edu
Subject: Submitted testimony for HB1683 on Feb 12, 2016 10:00AM

Follow Up Flag: Follow up
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HB1683

Submitted on: 2/11/2016

Testimony for LAB on Feb 12, 2016 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Paula Hileman	Individual	Support	No

Comments: I am writing in support of House Bill 1683. As someone who comes from a very small family, I know that it is not always a spouse, child, or parent who requires assistance and care from a family member. Very often our siblings are our closest family members. This bill will ensure that our siblings that do not have spouses or children are not left out of family leave policy and therefore additionally burdened when they become ill. Thank you for your time.

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.

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DAVID Y. IGE
GOVERNOR

SHAN S. TSUTSUI
LIEUTENANT GOVERNOR



LINDA CHU TAKAYAMA
DIRECTOR

LEONARD HOSHJO
DEPUTY DIRECTOR

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

830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.labor.hawaii.gov
Phone: (808) 586-8844 / Fax: (808) 586-9099
Email: dlir.director@hawaii.gov

February 12, 2016

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

Date: Friday, February 12, 2016
Time: 10:00 a.m.
Place: Conference Room 309, State Capitol

From: Linda Chu Takayama, Director
Department of Labor and Industrial Relations (DLIR)

Re: H.B. No. 1683 Relating to Family Leave

I. OVERVIEW OF PROPOSED LEGISLATION

HB1683 amends the Family Leave Law, chapter 398, Hawaii Revised Statutes (HAR), by amending the family leave requirement to permit an employee to use family leave time to care for a sibling.

DLIR supports HB1683.

II. CURRENT STATUS

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.

DLIR notes that the definition of “sibling” is limited to the biological or adopted sibling. However, for “parent” in chapter 398 the definition includes step and in-law relationships.

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

The Twenty-Eighth Legislature
Regular Session of 2016



HOUSE OF REPRESENTATIVES
Rep. Mark M. Nakashima, Chair
Rep. Jarrett Keohokalole, Vice Chair
State Capitol, Conference Room 309
Friday, February 12, 2016; 10:00 a.m.

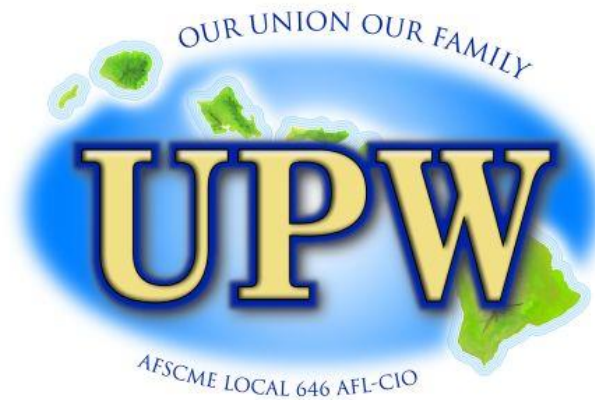
**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 1683
RELATING TO FAMILY LEAVE**

The ILWU Local 142 **supports** H.B. 1683, which permits an employee to use leave under the Hawaii Family Leave Law to care for a sibling.

In Hawaii, the definition of family is broad. It includes spouses, parents, children, grandchildren, grandparents, aunts, uncles, brothers, sisters—even hanai. However, family leave under the Hawaii Family Leave Law restricts leave only to care for children, parents, spouses and reciprocal beneficiaries. Siblings are excluded.

We believe it is good public policy to broaden the coverage for family leave to include siblings. The leave will likely be unpaid, but the job protection is a significant factor in a person's decision to provide care to a seriously ill sibling.

The ILWU urges passage of H.B. 1683. Thank you for the opportunity to testify on this measure.



LATE

THE HAWAII STATE HOUSE OF REPRESENTATIVES
The Twenty-Eighth Legislature
Regular Session of 2016

COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT/
COMMITTEE ON PUBLIC SAFETY

The Honorable Mark M. Nakashima, Chair (LAB)
The Honorable Gregg Takayama, Chair (PBS)
The Honorable Jarrett K. Keohokalole, Vice Chair (LAB)
The Honorable Kyle Yamashita, Vice Chair (PBS)

DATE OF HEARING: Friday, February 12, 2016
TIME OF HEARING: 10:00 a.m.
PLACE OF HEARING: State Capitol
415 South Beretania Street
Conference Room 309

TESTIMONY ON HOUSE BILL 1683 RELATING TO FAMILY LEAVE

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

My name is Dayton M. Nakanelua, State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO. The UPW is the exclusive bargaining representative for approximately 12,000 public employees, which include blue collar non-supervisory employees in Bargaining Unit 01 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.

HB1683 allows an employee to use leave under the Hawaii Family Leave Law to care for a sibling. The bill amends HRS 398-1 by defining "sibling" as one of two or more individuals having at least one parent in common whether biologically or by adoption.

The UPW supports this measure.

Thank you for the opportunity to submit this testimony.

We, the undersigned at Kapi'olani Community College, support this **HB 1683** for the inclusion of Siblings into the State of Hawaii Family Medical Leave Act.

Print name

Lorna Bakula

Jason Akiyama

Joy Shirokane

Craig Spurrer

JAMIE SUGAT

Lorna Tomatani

Mary Inouye

Qui Asada

Joann Ego

Grace Baclig

Rafaela Delong

Danielle Taguchi

Lance Akana

Kristy Kiesel

Signature

Lorna Bakula

↓

Joy Shirokane

~~Craig Spurrer~~

Jamie Sugat

Lorna Tomatani

Mary Inouye

Qui Asada

Joann Ego

Grace Baclig

Rafaela Delong

Danielle Taguchi

Lance Akana

Kristy Kiesel