

The Twenty-Eighth Legislature  
Regular Session of 2016

**LATE TESTIMONY**

THE SENATE

Committee on Judiciary and Labor

Senator Gilbert S.C. Keith-Agaran, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

Committee on Commerce, Consumer Protection, and Health

Senator Rosalyn H. Baker, Chair

Senator Michelle N. Kidani, Vice Chair

State Capitol, Conference Room 229

Tuesday, March 22, 2016; 10:30 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON SCR 86 / SR 57  
REQUESTING THE CONVENING OF A PAID FAMILY LEAVE TASK FORCE  
TO EXAMINE THE BENEFITS AND COSTS OF A POTENTIAL  
PAID FAMILY LEAVE PROGRAM IN HAWAII**

The ILWU Local 142 supports SCR 86 and SR 57, which would convene a task force to examine the benefits and costs of a paid family leave program. Although this is not the first time that a task force on this issue will be convened, we hope it will be the last.

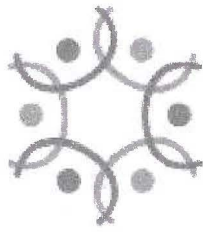
The Family and Medical Leave Act (FMLA) and the Hawaii Family Leave Law (HFLL) provide job protections for workers who take family leave, but leaves under both laws are unpaid. To be sure, having one's job protected while on unpaid leave is still a benefit, but receiving pay during the leave will make the decision to take family leave much easier.

In Hawaii, the decision to use paid leave, such as vacation leave, concurrent with unpaid leave is an option that the employee can make. However, prior to a change in the law requiring the decision to be made by the employee alone, employers routinely made employees take paid leave concurrent with unpaid leave. Thus, for a single situation, say bonding with a newborn, unpaid leave was applied at the same time that paid vacation or sick leave was applied. In truth, most workers will permit this application as the only way to be paid while taking family leave.

Contrary to the sixth paragraph of the resolution, FMLA leave and HFLL leave are run concurrently—HFLL is not “additional.” The task force may want to look at proposing amendments to the law regarding the application of HFLL leave after FMLA leave is exhausted.

The ILWU strongly supports paid family leave and is hopeful that a task force will propose legislation that will finally address this critical need. Women as primary caregivers for children and elderly and disabled family members are particularly impacted by the lack of paid leave both in their present situations and when they seek to retire.

The ILWU urges adoption of SCR 86 and SR 57. Thank you for considering our testimony on these resolutions.



LATE TESTIMONY

Hawaii  
Children's Action Network  
Building a unified voice for Hawaii's children

March 22, 2016

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Senate Committee on Judiciary and Labor

Senator Rosalyn H. Baker, Chair  
Senator Michelle N. Kidani, Vice Chair  
Senate Committee On Commerce, Consumer Protection, and Health

From: Deborah Zysman, Executive Director  
Hawaii Children's Action Network

Re: **SCR 86/SR 57 - Requesting the Convening of a Paid Family Leave Task Force to Examine the Benefits and Costs of a Potential Paid Family Leave Program in Hawaii - SUPPORT**  
**Hawaii State Capitol, Conference Room 229 – March 22, 2016 – 10:30 AM**

**On behalf of Hawaii Children's Action Network (HCAN), formerly Good Beginnings Alliance, we are writing in strong support of SCR 86/SR 57 - Requesting the Convening of a Paid Family Leave Task Force to Examine the Benefits and Costs of a Potential Paid Family Leave Program in Hawaii.**

HCAN is committed to improving lives and being a strong voice advocating for Hawai'i's children. Last fall, HCAN convened input in person and online from more than 50 organizations and individuals that came forward to support or express interest for a number of issues affecting children and families in our state that resulted in the compilation of 2016 Hawai'i Children's Policy Agenda, which can be accessed at <http://www.hawaii-can.org/2016policyagenda>.

HCAN supports SCR 86/SR 57, which would establish a Paid Family Leave Insurance Task Force to study and provide an actuarial analysis of state family and medical leave programs, including the following:

- Examine state paid family and medical leave programs that offer employees paid family and medical leave through an extension of Temporary Disability Insurance programs;

- Examine state paid family and medical leave programs in states that have enacted but do not use Temporary Disability Insurance as a foundation for the program;
- Gather information on the costs, including administrative start-up, technology build-out, and staffing costs, required to establish a state paid family and medical leave program in Hawaii;
- Work with an economic analysis firm or program to develop an actuarial for the benefits offered by a State paid family and medical leave program; and
- Review past legislative reports on care giving task force and paid leave.

Currently, Hawai'i employees do not have a right to paid medical or family leave. The federal Family Medical Leave Act (which leaves out 40 percent of the state's workforce) provides for unpaid leave with job protection up to 12 weeks for employers with 50 or more employees. The state Family Leave Act applies to employers with 100 or more employees and allows for job protection up to four weeks. This is also unpaid leave.

According to the U.S. Department of Labor, Bureau of Labor Statistics, about 13 percent U.S. workers had access to paid family leave through their employers in 2014. Women are often disproportionately affected, as they are the primary caregivers of infants, children and aging parents. The lack of paid family leave exacerbates the gender wage gap for women but affect the economic stability for both women and men who are caregivers.

Hawai'i has the fastest growing aging population in the nation. Our senior (age 65+) population is expected to grow 81 percent by 2030. Approximately, one in three workers report they need leave to care give for an ill spouse or parent but cannot take the time off.

It's a stark reality when employees face the dire choices of needing to be able to care for newborn children, or sick children, spouses or parents, but also needing to work to sustain their family's income. This bill will enable workers to take a small number of weeks out of the workforce and not have to face the impossible choice between their family member's health and their income or jobs.

The purpose of this legislation is to study and provide recommendations for the provision of partial wage replacement for employees needing to provide care for family members. Other states including California, New Jersey, Rhode Island and Washington and dozens of cities and counties have implemented paid family leave programs and momentum is building to establish similar programs in other states and jurisdictions.

Hawai'i's working families need a paid family leave standard, especially with our growing aging population. Families should not have to risk their family's economic security to meet their care giving obligations.

**For these reasons, HCAN respectfully requests that the committee pass SCR 86/SR 57 - Requesting the Convening of a Paid Family Leave Task Force to Examine the Benefits and Costs of a Potential Paid Family Leave Program in Hawaii.**



Tuesday, March 22, 2016  
10:30 AM  
Conference Room 309

LATE TESTIMONY

healthy  
mothers  
healthy  
babies

COALITION  
OF HAWAII

**To:** Senate Committee on Judiciary and Labor  
Senate Committee on Commerce, Consumer Protection & Health

**From:** Lisa Kimura, Executive Director, Healthy Mothers Healthy Babies Coalition of Hawaii

**Re:** Testimony in Strong Support of SCR 86: Paid Family Leave / Family Leave Task Force

Thank you for this opportunity to provide testimony in support of SCR 86, requesting the convening of a paid family leave task force. This information-gathering will be vital for determining the true costs for implementation of this important program.

Paid Family Leave enables families the opportunity to receive paid leave for family caregiving responsibilities. Hawaii families frequently find themselves choosing between a paycheck and their family needs during critical periods of life – something no one should be forced to do.

It is important that the task force investigate costs to reflect a program that provides universal eligibility for all employees, regardless of company size:

1. An eligibility threshold makes the program unsustainable, will be impossible to enforce/monitor, and will cost employees more money.
2. No social insurance fund premises eligibility on a certain number of employees. Universal coverage is needed for a program like this to operate.
3. Currently NO paid family leave law in the nation provides for a carve-out for businesses at a certain number of employees-- this not only sets a bad precedent for the nation, but it also prevents small business from being able to provide competitive benefits to employees and provides further disincentive to work or run a small business.

We are working to provide universal eligibility, job protection, and partial wage replacement through a 100% employee funded payroll contribution. In the event an employee has to care for a newborn, adopted child, or family member (including spouses and parents) with a serious illness, this means not having to choose between a paycheck and family.

Paid Family Leave (PFL) has significant positive effects on maternal and child health, including:

- **Infant and Child Mortality:** International studies suggest that newborn leave is associated with lower infant and child mortality rates.
- **Breastfeeding:** Women are less likely to breastfeed exclusively, and they breastfeed their infants for a shorter period of time the sooner they return to work after giving birth.
- **Child Development:** Early maternal employment (e.g., within the first year of the child's life) is associated with detriments in children's development. Negative effects are worse if mothers return to work early and full-time.
- **Paternal Involvement:** Fathers who take time off for leave spend more time with and are more involved with their children, both around the time of birth and in later months.
- **Maternal Depression and Anxiety:** Generally, shorter leaves are associated with more symptoms of maternal depression or anxiety, and longer leaves are associated with better mental health, with these effects seen as early as 6 weeks postpartum.

Paid leave is pro-business, pro-family, and a win-win for employees, small and large businesses, and ultimately, Hawaii's economy.

**We appreciate the committee considering this resolution, and ask you to please pass it, in an effort to move forward on establishing actual cost estimates for implementation. Thank you for the opportunity to testify.**

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**To:** JDLTestimony  
**Cc:** [REDACTED]  
**Subject:** \*Submitted testimony for SCR86 on Mar 22, 2016 10:30AM\*  
**Date:** Tuesday, March 22, 2016 9:59:23 AM

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**SCR86**

Submitted on: 3/22/2016

Testimony for JDL/CPH on Mar 22, 2016 10:30AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Catherine Betts	Hawaii State Commission on the Status of Women	Support	No

Comments:

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