

DAVID Y. IGE
GOVERNOR

SHAN S. TSUTSUI
LIEUTENANT GOVERNOR



LINDA CHU TAKAYAMA
DIRECTOR

LEONARD HOSHIJO
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 22, 2017

To: The Honorable Sylvia Luke, Chair,
The Honorable Ty J.K. Cullen, Vice Chair, and
Members of the House Committee on Finance

Date: Wednesday, February 22, 2017
Time: 3:00 p.m.
Place: Conference Room 308, State Capitol

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

Re: H.B. No. 213 HD1 Family Leave

I. OVERVIEW OF PROPOSED LEGISLATION

HB213 HD1 extends protected job status to the care of a sibling or upon the death of a child, spouse, reciprocal beneficiary, sibling, or parent, under the Hawaii Family Leave Law (HFLL), chapter 398, Hawaii Revised Statutes (HRS).

DLIR defers to the Department of Human Resources and other state jurisdictions regarding the proposed policy.

II. CURRENT LAW

The HFLL, chapter 398, HRS, provides four weeks of protected leave (distinct from paid leave) for employees of employers with 100 or more employees, on the birth or adoption of a child or to care for a family member who is seriously ill.

III. COMMENTS ON THE HOUSE BILL

HFLL currently provides protected leave from a job if a family member needs care because of a serious illness. This measure includes siblings as eligible family members that would allow a worker to take protected leave.

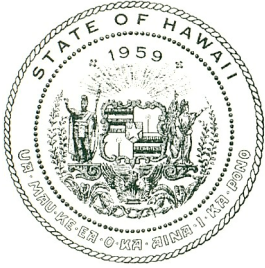
In addition, the measure adds protected leave for the death of the employee's child, spouse, sibling, reciprocal beneficiary or parent. A common inquiry to the Wage

Standards Division is when an employee who has taken protected leave to care for a family member and has not exhausted the leave when the family member dies, whether the employee can use family leave. Employees cannot use family leave after the death of a family member.

DLIR notes that this proposal expands opportunity for paid leave in conjunction with the federal Family and Medical Leave Act (FMLA). Employers with fifty or more employees are required to give employees twelve weeks of protected leave for the birth of a child, or care of family member with a serious illness, in addition to the employee's own illness under the FMLA. Where reasons for leave are covered under both the federal and state jurisdictions, the leave is taken concurrently.

Under HFLL, this measure would expand the available protected leave under some circumstances to sixteen weeks in a twelve-month period. For example, if a father dies, the employee could take up to four weeks of HFLL, and then if the same employee has to take time to care for the serious illness of the mother, the employee would be entitled to twelve more weeks of protected leave in a year.

HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



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Executive Director
CATHY BETTS, JD

Email:
Catherine.a.betts@hawaii.gov

Visit us at:
humanservices.hawaii.gov
/hscsw/

235 S. Beretania #407
Honolulu, HI 96813
Phone: 808-586-5758
FAX: 808-586-5756

February 22, 2017

To: Representative Sylvia Luke, Chair
Representative Ty Cullen, Vice Chair
Members of the House Committee on Finance

From: Cathy Betts, Executive Director, Hawaii State Commission on the Status of Women

Re: Testimony in Support of Intent with Comments regarding HB 213

The Commission supports the intent of HB 213, but provides additional comments regarding current leave policy throughout the state, being mindful that most residents of Hawaii cannot take unpaid family leave and remain financially stable.

Current Access to Unpaid Family Leave

Currently, employees in Hawaii do not have any right to *paid* medical or family leave. While the federal Family Medical Leave Act (FMLA, which leaves out 40 percent of the workforce) allows for unpaid leave with job protection up to 12 weeks for employers with 50 or more employees, our own Hawaii Family Leave Act only applies to those with 100 or more employees and allows for job protection for up to 4 weeks. For employees at firms of less than 100 employees, the decision of whether you receive unpaid maternity leave, paternity leave, or leave to take care of an aging and ill parent or spouse is completely dependent on your employer. Most people working in Hawaii cannot take unpaid leave and still maintain financial stability.

It is clear that our current law needs to be revised and updated to provide true benefit to employees. Our workforce demographics are constantly changing. Today, women make up half of our workforce, yet 2/3 of women serve as sole or primary breadwinners for their families. Women make up the majority of caregivers to young children and elderly relatives.

Nationally and locally, the FMLA's coverage is narrow. As it is written, the FMLA excludes two-fifths of the workforce.¹ The only partial paid leave is our current Temporary Disability Insurance, or TDI program. However, TDI is time limited and men cannot take TDI for the birth of a child. For new mothers, using TDI means you may be able to receive partial wage replacement for 6 to 8 weeks, depending on the type of birth you have. Currently, state and government employees cobble together unused sick and vacation leave to take leave. However, state sick leave can only be used for a worker's own illness, which means male caregivers can only take their vacation leave (and not sick leave) to take care of a family member or new child. HB 213 would amend our current Hawaii Family Leave Law (HFLL) to include unpaid leave for a sibling's illness or a death in the family.

While the Commission supports broadening access to unpaid leave, the reality is that not many workers in Hawaii can take unpaid leave and remain financially stable. The Commission supports HB 213, while recognizing the overall need for access to *paid* leave throughout the State. Thank you for very much for this opportunity to provide testimony and comments regarding HB 213.

¹ Family Values at Work, Updated FMLA Survey Results



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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

The Twenty-Ninth Legislature, State of Hawaii
House of Representatives
Committee on Finance

Testimony by
Hawaii Government Employees Association

February 22, 2017

H.B. 213, H.D. 1 – RELATING TO FAMILY LEAVE

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of H.B. 213, H.D. 1 which permits an employee to take family leave in order to care for the employee's sibling with a serious health condition or upon the death of an employee's child, spouse, reciprocal beneficiary, sibling or parent.

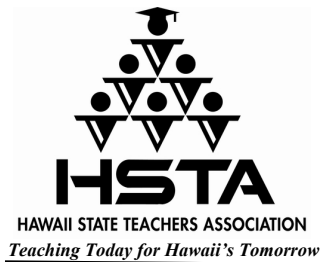
Currently, Chapter 398-3 of the Hawaii Revised Statutes allows for an employee to use four weeks of family leave upon the birth or adoption of a child or to care for a child, spouse, reciprocal beneficiary, or parent with a serious health condition, but does not include care for a sibling. In some cases, an individual may only have a sibling who can provide care during illness. 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.

Additionally, our collective bargaining agreements contain contractual provisions relating to bereavement leave. Should this measure pass, we respectfully request that the benefits provided in our agreements are not diminished, impaired or adversely affected.

Thank you for the opportunity to provide testimony in support of H.B. 213, H.D. 1.

Respectfully submitted,

Randy Perreira
Executive Director



1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

Corey Rosenlee
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Justin Hughey
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Wilbert Holck
Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEE ON
FINANCE

RE: HB 213, HD 1 – RELATING TO FAMILY LEAVE

WEDNESDAY, FEBRUARY 22, 2017

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Luke and Members of the Committee:

The Hawaii State Teachers Association **supports HB 213, HD 1**, relating to family leave.

Teachers are fortunate to be covered by a collective bargaining agreement that provides paid sick leave. Over 40 percent of Hawai'i's workforce, however, is not afforded the same benefit. As a result, workers are often required to choose between providing for their families by working while sick or enduring a loss of income to recuperate.

Families also must decide whether or not to send sick children to school or stay home and lose a day of pay. For low-income families, this financial bind can mean the difference between providing food or going hungry. When children are forced to attend class while ill, moreover, contagions may spread to other students.

It's a chain reaction. Multiple families may be become affected. Entire classes may see their health and learning suffer. Providing paid sick leave that may be extended to family members will break the cycle of illness by allowing families to care for themselves and their children without loss of pay.

Sickness should not become a debt sentence. To better care for families living paycheck to paycheck, the Hawaii State Teachers Association asks your committee to **support** this bill.



February 22, 2017

To: Rep. Sylvia Luke, Chair
Rep. Ty Cullen, Vice Chair and
Members of the Committee on Finance

From: Jeanne Y. Ohta, Co-Chair

RE: HB 213 HD1 Relating to Paid Family Leave
Hearing: Wednesday, February 22, 2017, 3:00 p.m., Room 308

POSITION: Support Intent

While we support the intent of this measure to broaden unpaid family leave, this measure falls short of what is truly needed. We prefer a more comprehensive measure that would provide **paid** family leave for a broad range of workers. The reality is that in Hawaii, most workers are unable to take unpaid leave and still remain financially stable. It takes two paychecks to cover the high cost of living and raising families in Hawaii.

The Hawai'i State Democratic Women's Caucus is a catalyst for progressive, social, economic, and political change through action on critical issues facing Hawaii's women and girls.

We ask the committee to consider measures that would provide paid family leave for the broadest range of employees as possible. We thank the committee for the opportunity to provide testimony.



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John Schilf, Rainbow Sales and Marketing - Advisor
Stan Brown, Acosta – Advisor
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Derek Kurisu, KTA Superstores – Immediate Past Chair
Lauren Zirbel, Executive Director

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

TO: COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Ty Cullen, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION

Lauren Zirbel, Executive Director

DATE: Wednesday, Feb. 22, 2017
TIME: 3:00 p.m.
PLACE: Conference Room 308

RE: HB213, HD1 (Family Leave)

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 have several concerns.

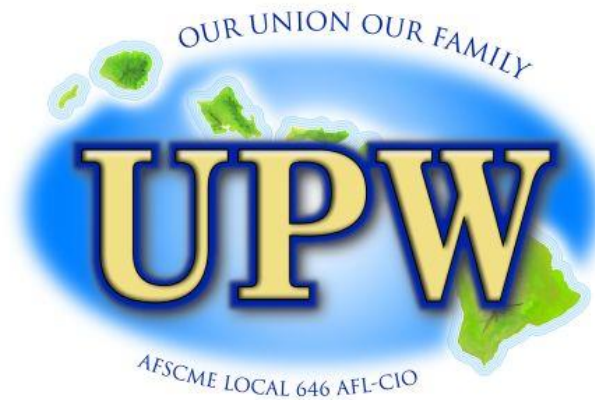
First, we believe that including siblings in Hawaii's family leave law is overreaching and will result in additional costs that will negatively affect local businesses and our communities. The bill lacks a definition of "sibling" and there is no clarification with regard to important considerations such 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?

Second, having personally lost family members, we humbly understand the difficulties faced following the death of a loved one. At the same time, we are concerned that adding another category to Hawaii's family leave law will negatively impact local businesses and our communities by forcing them to bear the additional costs needed to fulfill this proposal.

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.



THE HAWAII STATE SENATE
The Twenty-Ninth Legislature
Regular Session of 2017

COMMITTEE ON FINANCE

The Honorable Representative Sylvia Luke, Chair
The Honorable Representative Ty J.K. Cullen, Vice Chair

DATE OF HEARING: Wednesday, February 22, 2017
TIME OF HEARING: 3:00pm
PLACE OF HEARING: Conference Room 308
State Capitol
415 South Beretania Street

TESTIMONY ON HOUSE BILL 213 HD1 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, State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO (UPW). The UPW is the exclusive bargaining Representative for approximately 14,000 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.

HB213 HD1 provides two important amendments to the Hawaii Family Leave law. It permits an employee to take family leave in order to care for the employee's sibling with a serious health condition or upon the death of an employee's child, spouse, reciprocal beneficiary, sibling or parent. During a bereavement period, not too many employees are able to cope with a family member's death while the employee is working. A parent should not have to choose between work and taking some leave to mourn the loss of a family member. HB213 HD1 is a compassionate policy and is the right thing to do for Hawaii's workers.

The UPW strongly supports this bill and requests the committee to pass it out. Thank you for the opportunity to submit this testimony.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 21, 2017 12:57 PM
To: FINTestimony
Cc: victor.ramos@mpd.net
Subject: *Submitted testimony for HB213 on Feb 22, 2017 15:00PM*

Categories: New Testimony

HB213

Submitted on: 2/21/2017

Testimony for FIN on Feb 22, 2017 15:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Victor K. Ramos	Individual	Support	No

Comments:

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



LATE

Testimony to the
House Committee on Finance
February 22, 2017 at 3:00 p.m.
State Capitol - Conference Room 308

RE: HB 213 Relating to Family Leave

Aloha members of the committee:

We are Cara Heilmann and John Knorek, the Legislative Committee co-chairs for the Society for Human Resource Management – Hawaii Chapter (“SHRM Hawaii”). SHRM Hawaii represents more than 800 human resource professionals in the State of Hawaii.

We are writing to respectfully oppose HB 213, which permits an employee to take family leave in order to care for the employee's sibling with a serious health condition or upon the death of an employee's child, spouse, reciprocal beneficiary, sibling, or parent. We feel this measure is unduly burdensome for employers and has the potential to cause potential conflicts with paid and unpaid leave requirements.

Human resource professionals are keenly attuned to the needs of employers and employees. We are the frontline professionals responsible for businesses' most valuable asset: human capital. We truly have our employers' and employees' interests at heart. We respectfully oppose this measure because of the implementation challenges and administrative burden it would impose, and for the potential of unintended conflict with other leave laws.

We will continue to review this bill and, if it advances, request to be a part of the dialogue concerning it.

Thank you for the opportunity to testify.



SHRM Hawaii, P. O. Box 3175, Honolulu, Hawaii (808) 447-1840

February 21, 2017

To: Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair
Committee on Finance

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

Re: HB 213 HD 1 - Relating to Family Leave
Hawaii State Capitol, Room 308, February 22, 2017, 3:00 PM

On behalf of Hawaii Children's Action Network (HCAN), we are writing to provide COMMENTS on HB 213 SD 1- Relating to Family Leave.

Expanding the definition of family to include siblings as a qualifying family member that the leave can be used to care for is definitely needed, yet In Hawaii, we have multiple generations, hanai family, and many other different caretakers, and these all need to be covered under family leave.

We do also commend the addition of being able to use family leave for a death of a family member as well. As this can be a very difficult time with the need to deal with medical, emotional, and financial issues.

The reality is that Hawaii needs a comprehensive Paid Family Leave law. To make this bill beneficial for the state and families it needs to include the following:

- Universal coverage – all people and employers would participate in the system
- At least 12 weeks of paid leave
- Job Protection – if a person is not guaranteed a job upon completion of the leave, they likely will not take the leave
- Gender Equity – both mothers and fathers need the opportunity to bond with new children and provide caretaking, it is not just “maternity leave”
- Expanded Definition of Family – In Hawaii, we have multiple generations, hanai family, and many other different caretakers for children, these all need to be included
- Wage Replacement – Many families live paycheck to paycheck and would never be able to take time off if unpaid or only a small percentage of their usual wages.

Currently, Hawaii 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 and affects the economic stability for both women and men who are caregivers.

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. Hawaii needs a leave policy that 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.

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.

Hawaii's working families need a comprehensive paid family leave standard. 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 significantly amend this bill.

HCAN is committed to building a unified voice advocating for Hawaii's children by improving their safety, health, and education. 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 2017 Hawai'i Children's Policy Agenda, which can be accessed at <http://www.hawaii-can.org/2017policyagenda>.

LATE

The Twenty-Ninth Legislature
Regular Session of 2017

HOUSE OF REPRESENTATIVES

Committee on Finance

Rep. Sylvia Luke, Chair

Rep. Ty J.K. Cullen, Vice Chair

State Capitol, Conference Room 308

Wednesday, February 22, 2017; 3:00 p.m.

**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 213, HD1
RELATING TO FAMILY LEAVE**

The ILWU Local 142 **supports** H.B. 213, HD1, which permits an employee to take family leave in order to care for the employee's sibling with a serious health condition or upon the death of an employee's child, spouse, reciprocal beneficiary, sibling, or parent.

H.B. 213, HD1 would expand coverage under the Hawaii Family Leave Law (HFLL) to brothers and sisters. HFLL currently allows for unpaid family leave to employees working for employers with 100 or more employees to care for a child, spouse, reciprocal beneficiary or parent with a serious health condition. Expanding the scope of coverage to include brothers and sisters would recognize that the definition of "family" in Hawaii extends beyond the nuclear family to siblings who themselves may or may not have a spouse or children able to provide for their care. The concept of "ohana" involves a broader definition of family and responsibility.

The impact of covering siblings may or may not be significant to the employer, but the goodwill that is generated from this act of compassion to allow unpaid leave for the care of a sibling is immeasurable. Even if the leave is paid, the benefits far outweigh the costs.

H.B. 213, HD1 would also provide for leave upon the death of a child, spouse, reciprocal beneficiary, sibling, or parent. It is not clear what the leave would accomplish if the family member is deceased. Furthermore, we question whether this provision is legally permissible since, unlike the federal Family and Medical Leave Act (FMLA), Hawaii's family leave law does not provide for the illness of the employee himself.

With caution about the proposal to provide for family leave upon the death of a family member, the ILWU urges passage of H.B. 213, HD1. Thank you for the opportunity to offer testimony on this matter.



LATE

The House Committee on Finance
Wednesday, February 22, 2017
3:00 pm, Room 308

RE: HB 213, HD1 RELATING TO FAMILY LEAVE

Attention: Chair Sylvia Luke, Vice Chair Ty Cullen and
Members of the Committee

The University of Hawaii Professional Assembly (UHPA) urges the committee to **support passage of HB 213, HD1** that amends the Hawaii Family Leave Law, Chapter 398 of the Hawai'i Revised Statutes to extend protected job status to care for a sibling or upon the death of a child, spouse, reciprocal beneficiary, sibling or parent.

UHPA has a very diverse bargaining unit with faculty in very different stages of their careers. Leaves of absences, such as family leave, impact a broad based section of our membership, and is no longer a focus of the younger segment of our members who are having children. Many faculty are dealing with caring for their spouses or parents. Passage of this legislation will provide some much needed security for UHPA members that does not exist today.

Faculty members are highly sought after in the highly competitive arena of higher education. Passage of this measure will provide the necessary stability and security for our membership.

UHPA supports the passage of HB 213, HD1.

Respectfully submitted,

A handwritten signature in black ink that reads "Kristeen Hanselman".

Kristeen Hanselman
Executive Director

**University of Hawaii
Professional Assembly**