



Friday, March 31, 2017, 9:30 AM
Conference Room 211

LATE

healthy
mothers
healthy
babies
COALITION
OF HAWAII

To: Honorable Jill N. Tokuda, Chair
Honorable Donovan M. Dela Cruz, Vice Chair
Senate Committee Members on Ways and Means

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

Re: **Comments Regarding H.B. 213 H.D.1 S.D.1: Paid Family Leave**

Thank you for this opportunity for **Healthy Mothers Healthy Babies Coalition of Hawaii to offer comments in regard to H.B. 213 H.D.1 S.D.1** which would amend our existing Hawaii Family Leave Law to allow for four weeks of unpaid family leave for employees.

While good in theory, this leave is unpaid and a majority of the population cannot afford to take unpaid time off -making it unlikely for many people to benefit from it.

Healthy Mothers Healthy Babies Coalition of Hawaii stands in strong support of establishing a Paid Family Leave Program in the State of Hawaii, however, **H.B. 213 H.D.1 S.D.1 does not adequately represent all aspects we wish to see in a PFL program**, and therefore we are offering comments.

Any legislative proposal for Paid Family Leave (PFL) should include:

- **Universal PFL – all employees** pay in, and **all employees** can take out.
- At least **12 weeks of PFL** for all.
- **More progressive wage replacement** for lower income workers is preferred in order for low income workers to actually be able to utilize the leave.
- A broad definition of family to encompass the changing demographics of Hawaii's families.
- Wage replacement program for caregivers.
- A cap on wage replacement so higher income workers do not exhaust the fund.
- Biological mothers should not be foreclosed from also using Temporary Disability Insurance (TDI).

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.

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 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 these comments. Thank you for the opportunity to testify.

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 30, 2017 11:42 PM
To: WAM Testimony
Cc: mpavlicek@hawaiiublicpolicy.com
Subject: *Submitted testimony for HB213 on Mar 31, 2017 09:30AM*

HB213

Submitted on: 3/30/2017
Testimony for WAM on Mar 31, 2017 09:30AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
John Knorek	SHRM Hawaii	Oppose	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.

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The Twenty-Ninth Legislature
Regular Session of 2017



THE SENATE
Committee on Ways and Means
Senator Jill N. Tokuda, Chair
Senator Donovan M. Dela Cruz, Vice Chair
State Capitol, Conference Room 211
Friday, March 31, 2017; 9:30 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 213, HD1, SD1
RELATING TO FAMILY LEAVE**

The ILWU Local 142 **supports** H.B. 213, HD1, SD1, 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, SD1 would expand coverage under the Hawaii Family Leave Law (HFLL) for the care of brothers and sisters with a serious health condition. 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, SD1 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, SD1. Thank you for the opportunity to offer testimony on this matter.

LATE

March 30, 2017

To: Senator Jill N. Tokuda, Chair
Senator Donovan M. Dela Cruz, Vice Chair
Committee on Ways and Means

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

Re: **HB 213 HD 1 SD 1 - Relating to Family Leave**
Hawaii State Capitol, Room 211, March 31, 2017, 9:30 AM

On behalf of Hawaii Children's Action Network (HCAN), we are writing to provide COMMENTS on HB 213 HD 1 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

HB213 TESTIMONY

Aloha,

My name is Catherine Bowen and I am writing in opposition to HB213, 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.

I live on Maui and have worked in our community in Human Resources for over twenty (20) years working with non-profits and well as for profit companies.

I 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.

Every company that I have worked with and for on Maui provides paid leave to their employees. The paid leave programs are either Paid Time Off (PTO) or individual banks of sick and vacation time. At my current employer we provide Family Medical Leave (FMLA) and Hawaii Family Leave (HFL) to our employees and carefully administer these leaves utilizing the generous paid leave benefits that are provided to our employees. We also provide bereavement benefits in addition to the paid leave banks of vacation and sick time.

I have also done Human Resource Consulting for small to mid-size companies and they too offered paid leave benefits to their employees. Some of the smaller and midsize companies that I have provided consulting to go above and beyond in caring for the employees by generously caring for them with paid leave, health insurance benefits and modified schedules etc. to care for themselves or their loved ones. Legislating four (4) weeks of leave especially for small employers would intensely increasing the burden and cost of doing business in Hawaii.

Please reject HB213.

Thank you,

Catherine Bowen
HR Generalist

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