

# HB 213

RELATING TO PAID FAMILY LEAVE.

LAB, FIN

# HB213



Submit Testimony

Measure Title: RELATING TO FAMILY LEAVE.

Report Title: Family Leave; Sibling; Death

Description: 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. Specifies notice and certification requirements.

Companion:

Package: None

Current Referral: LAB, FIN

Introducer(s): JOHANSON, BELATTI, HOLT, LUKE

<u>Sort by Date</u>		Status Text
1/19/2017	H	Pending introduction.
1/20/2017	H	Pass First Reading
1/23/2017	H	Referred to LAB, FIN, referral sheet 1
2/10/2017	H	Bill scheduled to be heard by LAB on Tuesday, 02-14-17 8:30AM in House conference room 309.

S = Senate | H = House | D = Data Systems | \$ = Appropriation measure | ConAm = Constitutional Amendment  
Some of the above items require Adobe Acrobat Reader. Please visit [Adobe's download page](#) for detailed instructions.

---

---

## A BILL FOR AN ACT

RELATING TO FAMILY LEAVE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 398-3, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) An employee shall be entitled to a total of four  
4 weeks of family leave during any calendar year upon the birth of  
5 a child of the employee or the adoption of a child, or to care  
6 for the employee's child, spouse or reciprocal beneficiary,  
7 sibling, or parent with a serious health condition[-], or upon  
8 the death of the employee's child, spouse, reciprocal  
9 beneficiary, sibling, or parent."

10          SECTION 2. Section 398-5, Hawaii Revised Statutes, is  
11 amended to read as follows:

12          "**§398-5 Notice.** In any case in which the necessity for  
13 family leave for purposes of birth or adoption of a child or  
14 providing care to a child, spouse, reciprocal beneficiary,  
15 sibling, or parent is foreseeable, the employee shall provide  
16 the employer with prior notice of the expected birth or adoption  
17 or serious health condition in a manner that is reasonable and



1 practicable. Requests for family leave shall include evidence  
2 that the employee has submitted the request and provided  
3 required data in accordance with section 398-9.5."

4 SECTION 3. Section 398-6, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "§398-6 Certification. (a) An employer may require that  
7 a claim for family leave be supported by written certification.

8 (b) For the birth of a child, certification shall be  
9 issued by a health care provider or the family court. For the  
10 placement of a child for adoption with the employee,  
11 certification shall be issued by a recognized adoption agency,  
12 the attorney handling the adoption, or by the individual  
13 officially designated by the birth parent to select and approve  
14 the adoptive family.

15 (c) When leave is to care for a child, spouse, reciprocal  
16 beneficiary, sibling, or parent who has a serious health  
17 condition, certification shall be issued by the health care  
18 provider of the individual requiring care. Certification shall  
19 be considered sufficient if it provides information as required  
20 by the director.





# H.B. NO. 213

**Report Title:**

Family Leave; Sibling; Death

**Description:**

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. Specifies notice and certification requirements.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



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](http://www.labor.hawaii.gov)  
Phone: (808) 586-8844 / Fax: (808) 586-9099  
Email: [dlir.director@hawaii.gov](mailto:dlir.director@hawaii.gov)

February 14, 2017

To: The Honorable Aaron Ling Johanson, Chair,  
The Honorable Daniel Holt, Vice Chair, and  
Members of the House Committee on Labor & Public Employment

Date: Tuesday, February 14, 2017  
Time: 8:30 a.m.  
Place: Conference Room 309, State Capitol

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

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

**I. OVERVIEW OF PROPOSED LEGISLATION**

HB213 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, 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 Hawaii Family Leave Law, (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 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,

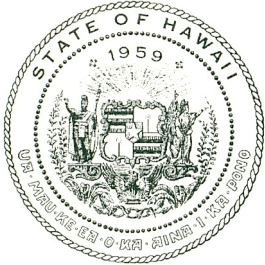
spouse, sibling, reciprocal beneficiary or parent. A common inquiry to the Wage Standards Division is when an employee who has taken protected leave to care for a family member and has not exhausted the leave when the family member dies, whether the employee can use family leave. Employees cannot use 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 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



Chair  
LESLIE WILKINS

COMMISSIONERS:

SHERRY CAMPAGNA  
CYD HOFFELD  
JUDY KERN  
MARILYN LEE  
AMY MONK  
LISA ELLEN SMITH

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 14, 2017

To: Representative Aaron Ling Johanson, Chair  
Representative Daniel Holt, Vice Chair  
Members of the House Committee on Labor and Public Employment

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

Re: Testimony in Support of Intent with Comments regarding HB 683, HB 214, and HB 213

On behalf of the Hawaii State Commission on the Status of Women, I would like to thank the Committee for hearing the various bills regarding family leave. The Commission supports the intent of these measures, but has serious concerns about several components of the bills, and thus, offers comments to potentially strengthen a family leave policy.

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.<sup>1</sup> 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 683 would allow for six weeks paid maternity/paternity leave for government employees. HB 214 would allow for four weeks of paid leave for all state employees. 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. HB 683 and HB 214 endanger a future paid family leave program for other workers for several reasons.

All paid family leave policies currently implemented in the United States have universal coverage. Like any other social insurance program, this requires all workers pay a small amount (usually less than .01 percent of average wages) into a fund so that all workers can obtain partial wage replacement while on leave. This ensures that the fund remains solvent and it ensures that workers contributions remain low. The wage replacement has a cap so that high income workers do not exhaust the fund. The leave is for rare life events, including the birth of a new child or caregiving for an elderly or seriously ill family member.

A carve out for only state or government employees would render a future affordable paid family leave proposal impossible because the solvency of the program would rely on deductions from only private sector workers, which would make it costly.

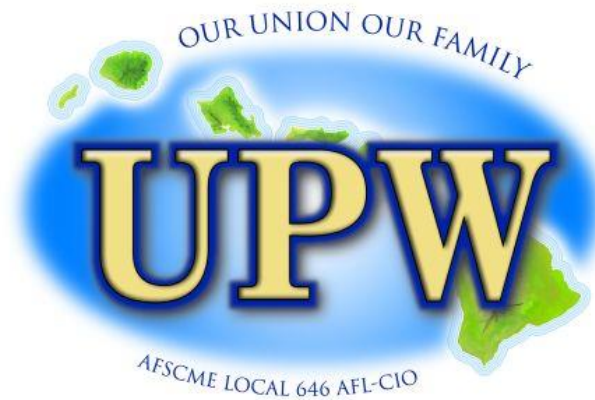
Additionally, financially solvent paid leave programs generally have broad definitions of family (not just maternity/paternity) leave in order to address the changing demographics of families. Especially true in Hawaii, our growing kupuna population and high percentage of multi-generational households compounds this need for elder care, spousal care, hospice care, etc. Limiting the leave to only maternity or paternity leave does little to address this problem.

Finally, with respect to HB 213, 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 in support of the intent of these measures with comments.

---

<sup>1</sup> Family Values at Work, Updated FMLA Survey Results



THE HAWAII STATE HOUSE OF REPRESENTATIVES  
The Twenty-Ninth Legislature  
Regular Session of 2017

COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT  
The Honorable Representative Aaron Ling Johanson, Chair  
The Honorable Representative Daniel Holt, Vice Chair

DATE OF HEARING: Tuesday, February 14, 2017  
TIME OF HEARING: 8:30 a.m.  
PLACE OF HEARING: State Capitol, Rm. 309  
415 South Beretania Street

**TESTIMONY ON HOUSE BILL 213 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 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.

HB213 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. The death provision and the inclusion of an employee's sibling are common sense policies to HRS 398-3 (a) for humanitarian and business reasons.

Congressman Steve Israel said it best about allowing an employee to mourn the loss of a son or daughter. He said, "Parents should never have to decide between their job and taking the proper time needed for both themselves and the rest of their family to mourn the death of a child." During a bereavement period, not too many employees are able to cope with a family member's death while the employee is working. Allowing an employee a few days off from work is a sensible policy. Many companies have such a policy but it is not in the family leave law (FMLA).

HB213 is a compassionate policy that is the right thing to do for Hawaii's workers. The UPW strongly supports this bill and requests the committee to pass it out to the Committee on Finance.

Thank you for the opportunity to submit this testimony.



## 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 Labor and Public Employment

Testimony by  
Hawaii Government Employees Association

February 14, 2017

### H.B. 213 – RELATING TO FAMILY LEAVE

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

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.

Respectfully submitted,

Randy Perreira  
Executive Director

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 13, 2017 9:31 AM  
**To:** LABtestimony  
**Cc:** zlaprade@aol.com  
**Subject:** Submitted testimony for HB213 on Feb 14, 2017 08:30AM

**HB213**

Submitted on: 2/13/2017

Testimony for LAB on Feb 14, 2017 08:30AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Zachary LaPrade	Quicksilver Charters	Oppose	No

Comments: Quicksilver Charters and its affiliates (the "Company") employ close to 100 people in Hawaii's boating and tourism industries. We strongly oppose this bill. Small business continues to get oppressed by an already extensive regulatory presence. Bills such as this are disheartening and disruptive to economic growth. We are the employers in this state and for some reason we continue to feel marginalized by the legislature. FMLA already provides adequate leave. Further complicating FMLA and it's leave requirements is just another administrative burden. If our employees need time off, we make accommodations and we work together with the employee. Forcing employer to act a certain way is unduly burdensome. As to this bill specifically, we already have an extensive points based absenteeism policy that we spent time and resources adopting. We offer 30 days of a year leave for any reason (some paid and some not paid). We can't afford to spend time trying to verify sickness etc. This bill seeks to require additional resources be spent on employee absenteeism. Companies already deal with TDI, FLMA, Company Absenteeism Policies and workers compensation. Enforcing an employee schedule and dealing with regulatory agencies is already so exhausting and takes up more than one full time position. I'd estimate dealing with these issues costs somewhere between 60-100K a year in staff. That money could be used to hire another revenue generating position and allow additional flexibility with sick leave.

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](mailto:webmaster@capitol.hawaii.gov)

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 10, 2017 4:00 PM  
**To:** LABtestimony  
**Cc:** victor.ramos@mpd.net  
**Subject:** \*Submitted testimony for HB213 on Feb 14, 2017 08:30AM\*

**HB213**

Submitted on: 2/10/2017

Testimony for LAB on Feb 14, 2017 08:30AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
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](mailto:webmaster@capitol.hawaii.gov)

COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

Rep. Aaron Ling Johanson, Chair

Rep. Daniel Holt, Vice Chair

Rep. Jarrett Keohokalole

Rep. Kyle T. Yamashita

Rep. Mark M. Nakashima

Rep. Lauren Kealohilani Matsumoto

Rep. Roy M. Takumi

Tuesday, February 14, 2017

8:30 AM

Conference Room 309

**Comments on HB 683, HB213 & HB 214 Related to Family Leave**

Aloha Chair Johanson and Vice Chair Holt, and Members of the Committees:

My name is Shay Chan Hodges and I have been a Maui resident for twenty-five years. I have two sons who are graduates of King Kekaulike High School. One is in his second year of college in Pennsylvania and the other is taking a gap year from Wesleyan University.

As you may recall, in July of 2015, former U.S. Secretary of Labor Tom Perez came to Hawaii to convene a Roundtable on Paid Family Leave. I flew from Maui to attend the roundtable and participate in filming the event because I believe that paid family leave is critical to Hawaii's economic future. Mr. Perez spoke about the high numbers of qualified women who drop out of the workforce because the "childcare math" doesn't pencil out, and how this loss of talent impacts the health of the U.S. economy and our nation's ability to compete on a global scale. Furthermore, when women must make the false choice to care for families rather than work outside the home, their wages are reduced in both the short and long-terms, contributing to the gender wage gap. Conversely, when women are supported in the work force, and do not have to choose between economic livelihood and caregiving responsibilities, their earnings increase dramatically.

Currently, women in Hawaii who are employed full time lose a combined total of more than 1.4 billion dollars annually due to the prevailing wage gap, which exists regardless of industry, occupational choice, or educational attainment level. **For families, this wage gap can impact the ability to pay for childcare, medical bills, utilities, and even rent. And these losses are not only connected to the care of children -- nor do they only apply to women. Currently, 240,000 Hawaii employees serve as primary caregivers**



**to a family member, and by 2020, an estimated 40% of the workforce will be providing care for older parents.**

Our economy depends on all of the people of Hawaii having the ability to contribute both labor and intellectual capital, even if they have to take breaks to care for loved ones. At the Roundtable with former Sec. Perez last summer, union representatives noted the impact of caregiving on Hawaii's multi-generational households.

In mid-January, I returned to Hawaii from a month in Stockholm, Sweden, where I met with unions and start-ups to work on strategies for supporting workers and the innovation economy in Europe and the US. In addition to very exciting conversations about strengthening worker rights, intellectual property rights, and building up the high-tech economy in Hawaii, there were many conversations about the importance of a safety net for families.

**As you may know, parents in Sweden receive 480 days of family leave. That's over 68 weeks and "family leave" doesn't include additional time off for giving birth, or paid leave for pregnant women who are not able to do their jobs for medical reasons. Paid family leave is shared by both parents.**

**At the same time, Sweden was just ranked 1<sup>st</sup> for business by Forbes Magazine. Meanwhile, the US continued its downward slide to 23.**

Sweden is also considered one of the most innovative countries in the world, based on the caliber of universities, the number of scientific publications and international patent filings. We were fortunate to spend quite a bit of time with one of Sweden's national treasures last month, the inventor of GPS and the color monitor.

Per Forbes, taxes are still high in Sweden relative to the rest of the developed world. And those taxes pay for social supports such as paid family leave, subsidized child care, free college, and health insurance.

Our time spent in Sweden with start-up founders and inventors made it very clear to us that when families are supported, individuals can be innovative and take risks without jeopardizing their children's health and security. Meanwhile, as we've seen in our own state, when families are strapped and are basically holding their lives together with scotch tape and paper clips, it is much harder to have the time or resources to be innovative.

Yet some people are getting it. In our own country, innovative employers are recognizing the financial value of providing paid child care to their workers. Companies like Amazon, Facebook, Yahoo, Microsoft, Netflix, Adobe, Zillow and Spotify have instituted groundbreaking paid leave policies for American employees. And at least twenty-five localities, including New York City and Boston, and jurisdictions in Minnesota, Oregon, and Pennsylvania, are instituting paid leave for municipal workers this year.

If we want to keep up economically, Hawaii needs to step up.

**Any Legislative Proposal for paid leave that the state of Hawaii considers needs to include:**

- Universal paid family leave--- where all employees pay in, and all employees can take out.
- A broad definition of family to encompass the changing demographics of Hawaii's families.
- A wage replacement program for caregivers. 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 cap on wage replacement so higher income workers do not exhaust the fund.
- At least 12 weeks. Biological mothers should not be foreclosed from also using TDI. (Again, Sweden has 68 weeks of paid family leave and is ranked #1 in the world for business)

In closing, I was very gratified to see so many legislators and business leaders in attendance at the Roundtable with Secretary Perez back in 2015, many of whom asked crucial questions about implementation of paid leave policies in Hawaii. It is clear that now more than ever, Hawaii's lawmakers, many of whom are caregivers themselves, understand that a thriving economy is only as strong as the families that participate in it.

I urge you to pass a paid leave law that truly supports women, parents, and all caregivers – and thereby supports our residents in creating the economy of the future that this state so sorely needs.

Mahalo.

Shay Chan Hodges  
Haiku, Maui, Hawaii

HB 213

Late Testimony

**LATE**

**LATE**

**LATE**

LABtestimony

From: mailinglist@capitol.hawaii.gov  
 Sent: Monday, February 13, 2017 11:43 PM  
 To: LABtestimony  
 Cc: jyohta@hawaii.rr.com  
 Subject: Submitted testimony for HB213 on Feb 14, 2017 08:30AM  
 Attachments: HSDWC HB 213 Paid Family Leave 021417.doc

**HB213**

Submitted on: 2/13/2017

Testimony for LAB on Feb 14, 2017 08:30AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Jeanne Ohta	Hawaii State Democratic Women's Caucus	Comments Only	No

Comments: See attachment

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](mailto:webmaster@capitol.hawaii.gov)

The Twenty-Ninth Legislature  
Regular Session of 2017

**LATE**

**LATE**

HOUSE OF REPRESENTATIVES  
Committee on Labor and Public Employment  
Rep. Aaron Ling Johanson, Chair  
Rep. Daniel Holt, Vice Chair  
State Capitol, Conference Room 309  
Tuesday, February 14, 2017; 8:30 a.m.

**LATE**

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

The ILWU Local 142 **supports** H.B. 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, siblings, or parent.

H.B. 213 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 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. Thank you for the opportunity to offer testimony on this matter.



Tuesday, February 14, 2017  
8:30 AM  
Conference Room 309

**LATE**

**LATE**

**LATE**

healthy  
mothers  
healthy  
babies  
COALITION  
OF HAWAII

**To:** Honorable Aaron Ling Johanson, Chair  
Honorable Daniel Holt, Vice Chair  
House Committee Members on Labor & Public Employment  
**From:** Lisa Kimura, Executive Director, Healthy Mothers Healthy Babies Coalition of Hawaii  
**Re:** **Comments Regarding H.B. 213: 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**, 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 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**

**LATE**

**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 14, 2017 7:51 AM  
**To:** LABtestimony  
**Cc:** beckypgardner@gmail.com  
**Subject:** Submitted testimony for HB213 on Feb 14, 2017 08:30AM

**HB213**

Submitted on: 2/14/2017

Testimony for LAB on Feb 14, 2017 08:30AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Becky Gardner	Individual	Comments Only	No

Comments: I submit this testimony in support as a Hawaii resident, and not in my capacity as a civil servant to the State of Hawaii. But it would be better if everyone could benefit from such a policy, not just state employees.

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](mailto:webmaster@capitol.hawaii.gov)

**LATE**

**LATE**

**LATE**

February 13, 2017

To: Representative Aaron Ling Johanson, Chair  
Representative Daniel Holt, Vice Chair  
Committee on Labor & Public Employment

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

Re: **HB 213- Relating to Family Leave**  
**Hawaii State Capitol, Room 309, February 14, 2017, 8:30 AM**

---

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

**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 13, 2017 3:32 PM  
**To:** LABtestimony  
**Cc:** annsfreed@gmail.com  
**Subject:** Submitted testimony for HB213 on Feb 14, 2017

**LATE**

**HB213**

Submitted on: 2/13/2017

Testimony for LAB on Feb 14, 2017 08:30AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ann S Freed	Hawaii Women's Coalition	Comments Only	No

Comments: Aloha Chair Johanson, Vice Chair Holt and members, As stated in previous testimony this bill is too narrow. Plus UNPAID! With wages in Hawaii at the lowest in the nation, including a high percentage of women in low-paying jobs, many of them supporting families, it is unlikely that very many would benefit from this. 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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

To: Hawaii State House Committee on Labor & Public Employment  
Hearing Date/Time: Tuesday, February 14, 2017, 8:30AM  
Place: Hawaii State Capitol, Rm. 309

*Comments on House Bills 213, 214, 663*

Thank you Chair Johanson, Vice Chair Holt, and committee members,

YWCA O'ahu offers comments on HB 213, as well as HB 663 and HB 214, all related to Paid Family Leave.

**We recommend that the committee consider the stronger and more comprehensive policy described in HB1362.**

Women, as primary caregivers of infants, children and elderly parents, are affected disproportionately by the unavailability of paid family leave. For these workers, who are disproportionately women and people of color, missing a few days, or even just one day, of paid work can have significant economic consequences. A major illness can drive a worker into poverty. Paid leave should not be limited to only those employed in certain entities; it should be available to all families.

Paid family leave has also been identified as one of the major means to closing the gender wage gap, which is not set to close in Hawaii until 2059. Each year, Hawaii's women lose 1.4 billion dollars annually due to the wage gap.

Four other states (California, New Jersey, Rhode Island, and New York) have passed laws that provide employees with paid family leave for parenting and caregiving for family members. A 10 year study of the California law found increased employee loyalty, a healthier workforce, longer breastfeeding rates, lower rates of postpartum depression, more gender equity in child care and caregiving. Businesses report little negative consequences after the law was enacted and these laws are revenue neutral to the state.

Under federal and state law, the only leave allowed to families with a newborn child or unexpected caregiving responsibilities is unpaid leave. Hawai'i has no paid family leave, unless an employer willingly provides it.

We are asking that any legislative proposal for Paid Family Leave include:

- \* Universal paid family leave--- all employees pay in, and all employees can take out.
- \* A broad definition of family to encompass the changing demographics of Hawaii's families.

eliminating racism  
empowering women

**ywca**

O'ahu

**Fernhurst YWCA**

1566 Wilder Avenue  
Honolulu, Hawai'i 96822  
808.941.2231

**Kokokahi YWCA**

45-035 Kāne'ohe Bay Drive  
Kāne'ohe, Hawai'i 96744  
808.247.2124

**Laniākea YWCA**

1040 Richards Street  
Honolulu, Hawai'i 96813  
808.538.7061

[ywcaoahu.org](http://ywcaoahu.org)

- \* Wage replacement program for caregivers. 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 cap on wage replacement so higher income workers do not exhaust the fund.
- \* At least 12 weeks. Biological mothers should not be foreclosed from also using TDI.

Thank you for the opportunity to testify and for your consideration on this matter.

Kathleen Algire  
Advocacy Coordinator  
YWCA O'ahu

**YWCA IS ON A MISSION**