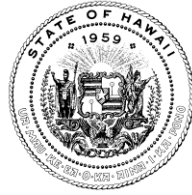


DAVID Y. IGE
GOVERNOR

DOUGLAS S. CHIN
LIEUTENANT GOVERNOR



LEONARD HOSHIJO
ACTING 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 5, 2018

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 6, 2018
Time: 8:30 a.m.
Place: Conference Room 309, State Capitol

From: Leonard Hoshijo, Acting Director
Department of Labor and Industrial Relations (DLIR)

Re: H.B. No. 2250 RELATING TO FAMILY LEAVE

I. OVERVIEW OF PROPOSED LEGISLATION

This proposal adds routine medical care for a child as a qualifying reason for parents to use leave provided in Hawaii Family Leave Law (HFLL), Chapter 398, Hawaii Revised Statutes, (HRS).

II. CURRENT LAW

HFLL provides for four weeks of protected leave for the birth of child or to care for a family member with a serious health condition. The protected leave may or may not be paid leave according to employer policies. The law applies to employees of employers with 100 or more employees in Hawaii.

III. COMMENTS ON THE HOUSE BILL

HB2250 proposes to expand the available use of the HFLL to allow parents to be protected when they take care of routine medical care for their children. "Child" is defined differently in the HFLL than in the Family Medical Leave Act (FMLA):

§398-1 Definitions.

"Child" means an individual who is a biological, adopted, or foster son or daughter; a stepchild; or a legal ward of an

employee .

¹ §825.102 Definitions.

(d) Son or daughter. For purposes of FMLA leave taken for birth or adoption, or to care for a family member with a serious health condition, son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence.

(1) Incapable of self-care means that the individual requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living (ADLs) or instrumental activities of daily living (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

(2) Physical or mental disability means a physical or mental impairment that substantially limits one or more of the major life activities of an individual. Regulations at 29 CFR 1630.2(h), (i), and (j), issued by the Equal Employment Opportunity Commission under the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 et seq., define these terms.

¹ https://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=abbd92cdf37c5d32de741cc5ccc1e81&rgn=div5&view=text&node=29:3.1.1.3.54∓idno=29#se29.3.825_1122

Bryn Villers
House District 37
Senate District 18
HB 2250
Relating to Family Leave

Testimony in Support

Aloha Committee Chair and Members,

I know your time is limited, thank you for reading my testimony.

There are few life events which are more hectic and difficult than having your first child. The joys are abundant, but there are so many new things to learn and so many fears of doing the wrong thing. One of the most frequent and important challenges that new parents face is the abundant doctor's visits for health checks and vaccinations. And if your child should ever get sick it can be a life and death situation.

I am a parent of a young child and I strongly support this bill. In my son's first year my wife and I were able to share the duties of caring for our son by having my wife bend her work schedule around mine.

As a state employee, a member of HGEA, and as one who strives to avoid being absent from work, I have a more than sufficient accrual of sick leave. When my child was born I learned that I was unable to utilize this to take some of the burden off my wife's shoulders, who was still working. Thankfully, her employer, a private attorney, was willing to give her flexibility enough to take our son to many of his doctor's visits. However, there were times when she was simply unavailable and I had no choice but to use my valuable vacation leave to take my son to a medically required doctor's appointment. The law currently only allows me to use my sick leave to care for a family member if they are "seriously" ill—which, I have been told, is generally interpreted as being terminally ill or being incapacitated. The purpose of all the "well-baby" check-ups and vaccinations is to prevent a child from getting to that state of ill-health. And we

all know, a doctor's visit is no vacation.

Allowing parents to use their sick leave to take a child to preventative care doctor's appointments and check-ups gives them the ability to use their vacation time for an actual vacation, a much needed time for any new parent. Easing this simple burden for parents will make a huge difference in their lives, and anything we can do to relieve tension for those who are raising the next generation is something we are doing for society.

Thank you again.

Bryn Villers
94-525 Lumiaina St.
Waipahu, HI 96797

HB-2250

Submitted on: 2/5/2018 8:27:04 AM

Testimony for LAB on 2/6/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities	Support	No

Comments:

Kerrie Villers

House District 37
Senate District 18

HB 2250
Relating to Family Leave

Testimony in Support

Aloha Committee Chair and Members,

Thank you for taking time to read my testimony. As a parent of a young child, I strongly support this bill. During my son's first year I continued working in a law office. Because of health concerns during that year, we had numerous appointments which extended beyond the 6 weeks leave afforded by employers for a new family member. As my employer was more flexible, I assumed a large portion of the responsibility for taking our son to the doctor, but there were times when I was simply unable to do this, and my husband ended up using his vacation time to attend medical appointments. He had more than enough sick leave days available to use, but was unable to apply these towards the care of our son.

My employer was far more flexible than most others, and if we did not have this flexibility in addition to my husbands vacation time, the situation would have been far more difficult. It has always been a point of frustration that neither of us could use our sick leave to care for other family members. Had we been able to, much of the burden for doctors visits could have been more evenly shared and both the law office I was working in and I would have been less strained.

I am concerned all the more for single parents who must use vacation time to go to doctor appointments, leaving them with the options of not taking their child so that they can have a real vacation, taking the child to emergency, which is a tremendous waste of time, or

using vacation time repeatedly to take the child and not being able to have a much needed vacation later.

I believe this bill is one small way to relieve the stress and tension which employers and employees feel regarding child doctor appointments, and it would greatly benefit our community on the whole. Thank you again.

Kerrie Villers
94-525 Lumiaina St.
Waipahu, HI 96797

HB-2250

Submitted on: 2/4/2018 12:25:13 PM

Testimony for LAB on 2/6/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mari Green		Support	No

Comments:

Chair Johanson of the House Committee on Labor & Public Employment

Subject: House Bill 2250 Relating to Family Leave

February 6, 2018

My name is Mari Green, and I am testifying in strong support of H.B. 2250.

Health is a very important part of our lives, and I know many families whose physical well-being would greatly benefit from this. This bill will help the children of Hawaii for the following reasons:

- Parents now able to use sick-leave to take children to routine doctors' appointments
- Less use of emergency rooms because there is more incentive for parents to seek routine care for children

Thank you for the opportunity to testify in strong support on this matter of great importance for families across the state.

Mari Green

marichanelgreen@gmail.com

HB-2250

Submitted on: 2/4/2018 11:32:58 PM

Testimony for LAB on 2/6/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew Lam		Support	No

Comments:

Subject: House Bill 2250 Relating to Education

Feb 4, 2018

My name is Matthew Lam and I am testifying in support of bill 2250. This bill is necessary to improve the health of our keiki, while also providing peace of mind to parents, knowing that they have protected leave to care for their sick children. In addition, this will reduce the over utilization of emergency and urgent care services as this would allow for parents to seek primary care services, freeing up space for truly sick individuals, while reducing our health care costs.

Thank you for the opportunity to testify in strong support of this important piece of legislation.

Matthew Lam

HB 2250

**LATE
TESTIMONY**

LATE



**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 6, 2018**

Re: HB 2250 Relating to Family Leave

Good morning Chair Johanson and members of the House Committee on Labor and Public Employment. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii (RMH) is a statewide not-for-profit trade organization representing 200 members and over 2,000 storefronts, and is committed to support the retail industry and business in general in Hawaii. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

The Retail Merchants of Hawaii opposes HB 2250 Relating to Family Leave. This bill would require employers to provide family leave to employees to be used for routine medical care for a child as a qualifying reason for parents to use family leave under chapter 398.

Employers are already required by law to provide Family Leave to employees that includes protected leave to care for family members who are ill.. While we understand the intent of this measure, we are very concerned that the term "Routine Medical Care" and "Health Care Provider" These terms are very broad and open ended.

In addition, this provision would be another added costly mandate to doing business in Hawaii and retailers are already operating on a very thin margin.

Policy makers should be focusing on eliminating obstacles to business growth, job creation and economic stability and not adding additional costs that employers cannot afford.

We respectfully ask that you hold this measure. Mahalo again for this opportunity to testify.