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LEGISLATIVE REFERENCE BUREAU  
State of Hawaii  
State Capitol, Room 446  
415 S. Beretania Street  
Honolulu, Hawaii 96813

## Written Comments

### **SB308** **RELATING TO FAMILY LEAVE**

Charlotte A. Carter-Yamauchi, Director  
Legislative Reference Bureau

Presented to the Senate Committee on Labor, Culture and the Arts

Tuesday, February 5, 2019, 2:45 p.m.  
Conference Room 224

Chair Taniguchi and Members of the Committee:

Good afternoon Chair Taniguchi and members of the Committee, my name is Charlotte Carter-Yamauchi and I am the Director of the Legislative Reference Bureau. Thank you for providing the opportunity to submit written comments in support of S.B. No. 308, Relating to Family Leave.

The purpose of this measure is to extend the report submission deadline established under Act 109, Session Laws of Hawaii 2018, from September 1, 2019, to no later than December 13, 2019:

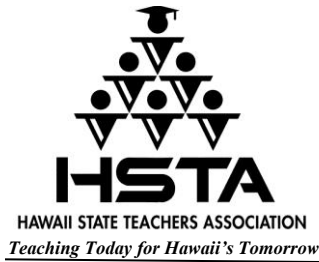
The Bureau submits the following comments for your consideration.

As you know, in 2018, the Legislature enacted Act 109, Session Laws of Hawaii 2018, (Act 109), which directed the Legislative Reference Bureau to conduct a sunrise analysis to determine the impacts of the establishment of a paid family leave program on industry, consumers, employees, employers, and care givers prior to choosing a model or framework that will work best for Hawaii's workforce. The intent of Act 109 was to lay the groundwork for the establishment of a paid family leave framework that will enable all employees to access leave benefits during times when they need to provide care for a family member. Act 109 also authorized the Legislative Reference Bureau to contract the services of a consultant without regard to chapter 103D, Hawaii Revised Statutes, and required the Bureau to submit a report on its findings and recommendations to the Legislature by September 1, 2019.

Upon the enactment of Act 109, the Legislative Reference Bureau proceeded to implement this legislative directive and subsequently crafted and issued a request for proposals to conduct the analysis. After the bid submission deadline occurred, the Bureau determined that, to ensure that any work product produced by the contractor include direct consultation with potentially affected state agencies and that the contracted work product be unbiased, it was in the best interest of the State to cancel the original request for proposals and to issue a new, amended request for proposals. The new request for proposals includes specific requirements that: the selected contractor directly consult with potentially affected state agencies; and if the contractor employs or subcontracts any portion of the analysis to a person or entity that has or is perceived to have a vested interest in the recommendations or outcome of the analysis, an explanation be provided on how any appearance of actual or perceived bias would be mitigated by the contractor.

Due to the cancelation of the original request for proposals and reissuance of an amended request for proposals, the Bureau believes it will be extremely difficult, given the remaining timeframe and the Bureau's heavy workload during session, for the Bureau to sufficiently evaluate and execute a contract for the analysis and provide a selected contractor with adequate time to conduct a thorough analysis by the September 1, 2019, submission deadline. Consequently, the Bureau finds that, in order to ensure that the Bureau and any selected contractor are provided with adequate time to produce a thorough and unbiased analysis as contemplated under Act 109, additional time is required for the Bureau to complete the task assigned to it under Act 109.

Thank you again for the opportunity to submit written comments, and we support the passage of this measure.



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**LATE**

TESTIMONY BEFORE THE SENATE COMMITTEE ON  
LABOR, CULTURE AND THE ARTS

RE: SB 308 - RELATING TO FAMILY LEAVE

TUESDAY, FEBRUARY 5, 2018

COREY ROSENLEE, PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Taniguchi and Members of the Committee:

The Hawaii State Teachers Association **supports SB 308, with the suggested amendment**, relating to family leave.

Currently, this bill has a deadline set to extend the due date for the Paid Family Leave study to December 13, 2019, **we respectfully ask this deadline to be changed to an earlier date of November 13, 2019, thus allowing proper legislation to be drafted prior to the 2020 Legislative Session to support the findings of this study.**

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 infected. 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, their children, and their kupuna without loss of pay. We also note that women are disproportionately harmed by the lack of family leave insurance. Inasmuch as women serve as primary caregivers for keiki and kupuna alike, the lack of paid family leave exacerbates the gender wage gap and the cycle of economic discrimination toward the women who comprise 59 percent of Hawai'i's workforce.

To better care for families living paycheck to paycheck, the Hawaii State Teachers Association asks your committee to **support** this bill.



**LATE**

**TESTIMONY OF TINA YAMAKI  
PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
February 5, 2019**

**Re: SB 308 Relating to Family Leave**

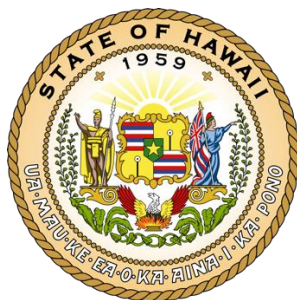
Good afternoon Chairperson Taniguchi and members of the Senate Committee on Labor Culture and the Arts. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii (RMH) as founded in 1901 and is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

We are **STRONGLY IN SUPPORT** of SB 308 Relating to Family Leave. This bill would extend the deadline for the LRB to conduct their study as pursuant to Act 109.

We appreciate that the Legislative Reference Bureau is focusing on a Hawaii based independent study of this issue. There are many complex components that surround the issue of Family leave that needs careful and in depth examination. We recognize that studies like these takes time and that this study should be done thoroughly and concisely.

Mahalo again for this opportunity to testify.



Testimony on behalf of the  
**Hawai'i State Commission on the Status of Women**  
Khara Jabola-Carolus, Executive Director

Prepared for the S. Cmtee. on LCA

Opposition to SB308  
Tuesday, February 5, 2018 at 2:00 p.m. in Room 312

Dear Chair Taniguchi, Vice Chair Ihara and Honorable Members,

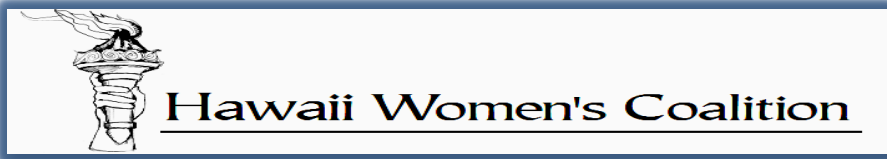
The Hawai'i State Commission on the Status of Women writes in opposition to SB308, which extends the deadline for the Legislative Reference Bureau to submit the sunrise analysis required by Act 109, Session Laws of Hawaii 2018, from 9/1/2019, to 12/13/2019.

The Commission shares with the Legislative Reference Bureau the common goal of a thorough and unbiased analysis but urges the completion of the study by the original date of September 1, 2019. Community based organizations, policy advocates, and state agencies need sufficient time to analyze the findings and carefully craft legislation in preparation for the 2020 Legislative Session, which is why many agreed to original deadline.

Accordingly, the Commission understands the intent of this measure but respectfully urges the Committee to reject the new deadline proposed by SB308.

Sincerely,

Khara Jabola-Carolus



COMMITTEE ON LABOR, CULTURE AND THE ARTS  
Senator Brian T. Taniguchi, Chair  
Senator Les Ihara, Jr., Vice Chair

DATE: Tuesday, February 5, 2019  
TIME: 2:45pm  
PLACE: Conference Room 224

**LATE**

**Strong Support for SB 308, with amendment**

Aloha Chair Taniguchi, Vice Chair Ihara and members,

This current bill moves the deadline to finish the Paid Family Study to 12/31/2019. We understand that would be too late for the study to be ready for the 2020 Session.

As we feel that this is a matter of some urgency for the women of Hawaii who are too often in dire need of this proposed benefit we ask that the deadline be changed to 11/13/2019 (or, in line with SB 293). We would be remiss if we failed to mention the fact that a study has ALREADY BEEN DONE. See this link: [https://www.dol.gov/wb/media/Hawaii\\_Report\\_Final\\_2.pdf](https://www.dol.gov/wb/media/Hawaii_Report_Final_2.pdf)

Let us restate some basics. Providing paid time off for family caregiving strongly promotes gender equity. Women are often disproportionately impacted by the lack of paid leave, 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 affects the economic stability for both women and men who are caregivers. Women too often have to choose between taking care of an infant, a sick family member, an aging parent and keeping their jobs. This in turn pushes women in low-paying jobs into poverty. Disgraceful.

Paid Family Leave is vital to our working families, many of which are headed by single moms. It is a necessary and affordable benefit that promotes worker retention, economic stability for working families, gender equity in the workplace, and positive infant health outcomes.

Hawaii's workers **want** this benefit. In a 2017 public poll, 62% of Hawaii respondents reported that they had wanted to take leave in the past in order to care for a new child or family member. Currently, the federal Family Medical Leave Act (which leaves out 40 percent of the state's workforce) provides for **unpaid** leave with up to 12 weeks for employers with 50 or more employees. The Hawaii Family Leave Law (HFLL) applies to employers with 100 or more employees and allows up to four weeks **unpaid** leave. **In other words – those most in need are unable to use this so-called benefit, as they cannot afford the time off.**

Contrary to the fear mongering of some lobbyists, this program if enacted, would **help** Hawaii's businesses. Family leave insurance helps increase worker retention and loyalty. Workers who have access to family leave benefits are more likely to return to work after their leave is over. In a 10-year study of the California family leave insurance, businesses reported family leave had either a positive or a neutral effect on their business. **Small businesses were less likely to report any negative effects.**

Please pass this bill. Mahalo for the opportunity to testify,

Ann S. Freed  
Co-Chair, Hawaii Women's Coalition

**LATE**

**SB-308**

Submitted on: 2/4/2019 5:08:16 PM

Testimony for LCA on 2/5/2019 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Younghi Overly	Testifying for AAUW of Hawaii	Support	No

Comments:

Dear Chair Taniguchi, Vice Chair Ihara, and members of LCA Committee,

Thank you for the opportunity to support SB308 with request for amendment.

SB308 moves the deadline to finish the Paid Family Study from 9/1/2019 to 12/31/2019. Based on what we know about complexity of paid family leave, AAUW Hawaii public policy team believes this to be too late of a finish date in order for the study to be finished and to be ready for the 2020 Session. We asked that the deadline be changed to 11/13/2019 (or, in line with SB 293).

Paid Family Leave is vital to our working families. It is a necessary and affordable benefit that promotes worker retention, economic stability for working families, gender equity in the workplace, and positive infant health outcomes.

Thank you for your consideration.





# HAWAII APPLESEED

## CENTER FOR LAW & ECONOMIC JUSTICE

Testimony of Hawai'i Appleseed Center for Law and Economic Justice  
Supporting SB 308 – Relating to Family Leave  
Senate Committee on Labor, Culture and the Arts  
Tuesday, February 5, 2019, 2:45 PM, conference room 224

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Dear Chair Taniguchi, Vice Chair Ihara, and members of the Committee:

Thank you for the opportunity to provide testimony in SUPPORT, with amendments, of **SB 308**. This bill extends the deadline for the LRB to submit a sunrise analysis of a Hawai'i paid family leave program from 9/1/2019 to 12/13/2019.

With the year-end holidays and the next legislative session starting on January 15, 2020, the new deadline proposed in SB 308 seems to be too late for legislators to consider the analysis' results and prepare adequately for the 2020 session. So, we request that the committee **amend SB 308 to adopt the earlier deadline of 11/13/19** that's contained in Chair Taniguchi's SB 293.

It is important that the legislature be ready to have a robust and well-informed discussion of paid family leave during the 2020 session. The lack of access to paid leave has profound consequences for our working families. In Hawai'i, 7 in 10 children live in households where both parents work, and over a quarter of children live in households headed by a single parent, leaving no full-time caregiver at home.

Meanwhile, the population of Hawai'i is both older than that of the U.S. as a whole, and is aging faster. More and more families are facing the challenges of caring for their kūpuna, and their numbers will continue to grow.

Although some individual companies offer employees paid leave, this benefit is typically only available to high-income workers. Paid leave is generally unavailable to the low-wage workers who truly have the greatest need for it.

That is why it's crucial for Hawai'i to put into place a strong financial safety net for the hard-working families who desperately need support when faced with serious family caregiving responsibilities. Receiving the results of the sunrise analysis with enough lead time before the start of the 2020 session is an important first step towards that goal.

We appreciate your consideration of this testimony.

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*The Hawai'i Appleseed Center for Law and Economic Justice is committed to a more socially just Hawai'i, where everyone has genuine opportunities to achieve economic security and fulfill their potential. We change systems that perpetuate inequality and injustice through policy development, advocacy, and coalition building.*

**LATE**

**SB-308**

Submitted on: 2/4/2019 6:40:52 PM

Testimony for LCA on 2/5/2019 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Midwives Alliance of Hawaii	Testifying for Midwives Alliance of Hawaii	Support	No

Comments:

We support SB 308, with amendments. We're asking that the deadline be 11/13/2019, which is the same as SB 293. The Paid Family Leave Study completion deadline currently in the bill is 12/31/2019, which will not allow for stakeholders to draft a well thought through bill in time for the 2020 session. Thank you for the opportunity to testify.

**SB-308**

Submitted on: 2/2/2019 5:23:52 AM

Testimony for LCA on 2/5/2019 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Caroline Kunitake	Individual	Support	No

Comments:

Please support SB 308 - RELATING TO FAMILY LEAVE.

This will extend the deadline for the Legislative Reference Bureau to submit the sunrise analysis required by Act 109, Session Laws of Hawaii 2018, from 9/1/2019, to 12/13/2019.

Mahalo,

Caroline Kunitake

To: Hawaii State Senate's Judiciary Committee  
Hearing Date/Time: Tuesday, February 5, 2019 at 2:45p.m.  
Place: Hawaii State Capitol, Room 224  
Re: Judith Ann Armstrong is in support of SB308 relating to Family Leave

Dear Members of the Committees,

I, Judith Ann Armstrong, am in support of SB308, Extending the Deadline for the Legislative Reference Bureau to submit the sunrise analysis required by Act 109 session Laws of Hawaii 2018, from 9/1/2019, to 12/13/2019.

Thank you for this opportunity to testify in support of this important measure.

Sincerely,  
Judith Ann Armstrong  
1717 Ala Wai Blvd  
Apt 3006  
Honolulu, HI 96815

To: Chair Senator Brian T. Taniguchi, and Vice Chair Les Ihara, Jr., and members of the Senate Committee on Labor, Culture and the Arts

Subject: Testimony in SUPPORT of SB 309, Relating to Family Leave

Hearing: Hawaii State Capitol Rm 224, February 5, 2019, 2:45 p.m.

Thank you Chair, Vice Chair and committee member for allowing this testimony IN SUPPORT of SB309 regarding the extension of the LRB study a Family Leave plan.

The United States is the only industrialized nation without paid maternity leave. By establishing paid leave in Hawaii, we would join the states of California, Washington, New Jersey and Rhode Island who have paid family leave.

The Family Leave and Medical Leave Act was passed in 1993. However, while the bill provided leave, it provided no wage replacement. For many workers, that meant taking time off for the birth of a baby or to care for a family member was economically impossible.

SB2990, SD2, HD1 provided for the review of paid leave systems with the goal of establishing the best system for Hawaii by 2020. And the subject bill would extend that deadline.

Action Supported: I support the bill that extends the LRB deadline. I note that US Dept of Labor funded a study for paid family leave program for Hawaii which was completed in 2017 and authored by well-regarded national experts in the field and Hawaii experts on child and family issues. That study took a year to complete. For the LRB to execute another study would take as long. I would hope that the data and recommendations of the 2017 study be reviewed by DLIR and LRB to see if that 2017 study could be used as the basis of the LRB study. Updating an existing study would require less time and cost than a completely new study. The US DOL study proposed a Paid Family Leave Insurance program which would provide progressive wage replacement funded by a very affordable employee contributions of about \$1 per week. Progressive wage replacement pays low income workers a higher percentage of wages allowing them the economic resources to take time off for the birth of a baby or for the illness of a parent.

Thank you again for allowing me to testify in support of this bill.

Sincerely,

Amy Monk

Commissioner, Hawaii State Commission on the Status of Women



**LATE**

PROTECTING HAWAII'S OHANA, CHILDREN, UNDER SERVED, ELDERLY AND DISABLED

**Board of Directors**

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Ryan Kusumoto, Vice Chair  
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Terry Walsh  
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Karen Tan  
Colin Moore  
Gavin Thornton  
Trisha Kajimura  
Debbie Shimizu, Ex Officio  
Natalie Okeson, Exec. Dir.*

**TO:** Senator Brian T. Taniguchi, Chair  
Senator Les Ihara, Jr., Vice Chair  
Members of the Committee on Labor, Culture and the Arts

**FROM:** Pedro Haro, PHOCUSED Advocacy Director

**SUBJECT:** Testimony in Support of SB 308 RELATING TO FAMILY LEAVE

**Hearing:** Tuesday, February 5, 2019  
2:45 PM  
Conference Room 224

Chair Taniguchi, Vice Chair Les Ihara, Jr., Members of the Committee on Labor, Culture and the Arts,

Thank you for the opportunity to testify in support of SB 308. I am Pedro Haro, Advocacy Director for PHOCUSED.

PHOCUSED supports SB 308, with amendments. The bill currently has a deadline of 12/31/2019 for completion of the Paid Family Leave Study. We believe this is too late of a date in order to be ready for the 2020 session. Therefore, we ask that the deadline be consistent with SB 293 with a deadline of 11/13/2019.

PHOCUSED is a nonprofit, nonpartisan organization dedicated to increasing the safety for, visibility of, and investment in the children and adults in Hawaii who are marginalized, impoverished, and under-served. Our organization has been a leading voice in advocating for families since our formation, as the membership of PHOCUSED and our Board of Directors represent many of the major health and human service providers and peer organizations dedicated to serving the vulnerable populations across our state. As such, PHOCUSED is proud to support SB 308.

PHOCUSED is a membership and advocacy organization for health and human services in Hawaii, which works together with community stakeholders to collectively impact program and policy change for the most vulnerable in our state. Our commitment to the people is reflected in our name – Protecting Hawaii's 'Ohana, Children, Under-Served, Elderly, and Disabled. We are guided by the shared commitment of our members to protect the interests of Hawaii's people and the sector which seeks to provide them with quality programs and services.



PROTECTING HAWAII'S OHANA, CHILDREN, UNDER SERVED, ELDERLY AND DISABLED

### **Board of Directors**

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*Karen Tan*  
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*Debbie Shimizu, Ex Officio*  
*Natalie Okeson, Exec. Dir.*

This family leave insurance program would provide much needed support for employees who need to take time off to care for their family. Those who are low-income, in particular, are especially vulnerable to loss of wages or employment at a critical time in their families. This bill would provide paid leave from work to care for a new child or sick family member. The vulnerable populations for which PHOCUSED has worked to improve their well-being, fall into this group that needs this resource. It allows workers to take adequate time off of work to care for their families without facing financial ruin or jeopardizing their career.

Our organization believes it is especially critical to include the progressive wage replacement to ensure that low-income workers are able to access the program. Those who earn less than half of the average weekly wage should receive 90% of their weekly earnings, while middle-income to higher-income workers should receive 75% or 50% of their weekly earnings, with a weekly cap.

Hawaii's vulnerable populations need family leave as a cost-effective way to keep employees in the work force and also take care of their families. Nearly half of families with children in Hawaii cannot afford basic needs. By 2020, about 40% of the workforce will be providing care for older parents. Paid family leave is needed now.

The majority of families in Hawaii are "working families" who cannot afford to take unpaid leave long enough to cover their care taking needs. Please help our ohana who are struggling to care for their loved ones in their time of need.

Thank you for the opportunity to submit testimony in support of SB 308.

PHOCUSED is a membership and advocacy organization for health and human services in Hawaii, which works together with community stakeholders to collectively impact program and policy change for the most vulnerable in our state. Our commitment to the people is reflected in our name – Protecting Hawaii's 'Ohana, Children, Under-Served, Elderly, and Disabled. We are guided by the shared commitment of our members to protect the interests of Hawaii's people and the sector which seeks to provide them with quality programs and services.

**SB-308**

Submitted on: 2/4/2019 6:14:49 PM

Testimony for LCA on 2/5/2019 2:45:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joy Marshall	Individual	Support	No

Comments:



**LATE**

**SB-308**

Submitted on: 2/4/2019 6:38:13 PM

Testimony for LCA on 2/5/2019 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lea Minton	Individual	Support	No

Comments:

I support SB 308, with amendments. The bill currently has a deadline of 12/31/2019 for completion of the Paid Family Leave Study. This date won't allow for a good bill to be drafted in time for the 2020 session. Therefore, I'm asking that the deadline be in-line with SB 293, a deadline of 11/13/2019.