

MAR 06 2020

SENATE RESOLUTION

REQUESTING THE DIRECTOR OF LABOR AND INDUSTRIAL RELATIONS TO
CONVENE A WORKING GROUP TO EXPLORE THE PROVISION OF PAID
FAMILY LEAVE FOR EXECUTIVE DEPARTMENTS THAT REPORT DIRECTLY
TO THE GOVERNOR.

1 WHEREAS, paid family leave refers to partially or fully
2 compensated time away from work for specific and generally
3 significant family caregiving needs, such as the birth of a
4 child or serious illness of a close family member; and
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6 WHEREAS, the 2018 Aloha United Way ALICE (Asset Limited,
7 Income Constrained, Employed) Study found that almost half of
8 the families in Hawaii are living paycheck to paycheck; and
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10 WHEREAS, although the federal Family and Medical Leave Act
11 of 1993 allows for twelve weeks of unpaid leave to employees who
12 have worked at a business that employs fifty or more employees,
13 the majority of Hawaii's workforce cannot afford to take unpaid
14 leave for family caregiving needs, such as to care for a child
15 or attend to the needs of a family member with a serious health
16 condition; and
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18 WHEREAS, Hawaii law, which offers a four-week extension of
19 unpaid leave, is available only to employees of large employers
20 having one hundred or more employees; and
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22 WHEREAS, eight states, including California, Connecticut,
23 Massachusetts, New Jersey, New York, Oregon, Rhode Island, and
24 Washington, and the District of Columbia have enacted paid
25 family leave laws; and
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27 WHEREAS, in accordance with Act 109, Session Laws of Hawaii
28 2018, the Legislative Reference Bureau submitted to the
29 Legislature a report that estimated an annual cost of \$2,624,000
30 for a social insurance model exclusively through the State and



1 ongoing annual costs of \$1,103,000 for a governance only model;
2 and

3
4 WHEREAS, the Legislative Reference Bureau reported that the
5 scope of coverage provided by each state varies significantly,
6 from eligibility requirements, to qualifying reasons for leave,
7 waiting periods, leave durations, benefit levels, and benefit
8 calculations, and whether there is job protection; and

9
10 WHEREAS, the report also stated that the definitions of
11 what is covered and how, and the mechanics of calculating
12 benefit payment can be cumbersome; and

13
14 WHEREAS, the Department of Labor and Industrial Relations
15 has identified dissimilar cost estimates due to differences in
16 estimates for claims administrative staffing, estimated
17 information technology staffing, estimated program support
18 staffing, and information technology costs for software, storage
19 and retrieval of data, and maintenance costs; and

20
21 WHEREAS, the Department of Labor and Industrial Relations
22 has testified it would require \$6,540,000 to implement a social
23 insurance model and \$2,073,000 to implement a governance model
24 for Executive Branch employees only; and

25
26 WHEREAS, employers and industry professionals have voiced
27 concern over these differences and areas of confusion as the
28 differences and areas make it not only challenging for employers
29 to communicate and educate their employees, but also to
30 understand and determine how paid leave laws coordinate with
31 other benefit plans, such as sick leave, disability, and
32 workers' compensation; and

33
34 WHEREAS, the Hawaii Temporary Disability Insurance Law is
35 unique compared to the other five states that have temporary
36 disability insurance laws because an employer may adopt from
37 multiple methods of providing the temporary disability
38 insurance, which includes self-insured plans that differ from
39 statutory benefits and have equivalent or better-than-statutory
40 plan benefits; and



S.R. NO. 65

1 WHEREAS, self-insured temporary disability insurance plans
2 differ in the weekly benefit amount, duration of payments, and
3 whether or not a waiting period is required; and
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5 WHEREAS, the National Defense Authorization Act for fiscal
6 year 2020 includes a provision for twelve weeks of paid parental
7 leave in connection with the birth, adoption, or foster care
8 placement of a child for employees covered by federal Family and
9 Medical Leave Act provisions applicable to federal civilian
10 employees; now, therefore,
11

12 BE IT RESOLVED by the Senate of the Thirtieth Legislature
13 of the State of Hawaii, Regular Session of 2020, that the
14 Director of Labor and Industrial Relations is requested to
15 convene a working group to explore the provision of paid family
16 leave for executive departments that report directly to the
17 Governor, as a first step that could be scaled up to cover the
18 rest of the workforce; and
19

20 BE IT FURTHER RESOLVED that any recommendations made by the
21 working group achieve the following objectives:
22

- 23 (1) Reporting in detail on the current relationship
24 between the Hawaii Temporary Disability Insurance Law
25 and the federal Family and Medical Leave Act and
26 Hawaii Family Leave Law;
27
- 28 (2) Identifying the issues that could arise for the
29 implementation of a pilot project for Paid Family
30 Leave for the Executive Branch;
31
- 32 (3) Determining the potential impacts of enacting a law to
33 provide paid family leave for the Executive Branch,
34 including the fiscal and administrative impact on the
35 State, and the impacts on public sector collective
36 bargaining and civil service law; and
37
- 38 (4) Identifying the opportunities and challenges of
39 scaling up a pilot project for the Executive Branch
40 for all of Hawaii's workforce; and



1 BE IT FURTHER RESOLVED that the working group is requested
2 to comprise of:

- 3
- 4 (1) The Director of Labor and Industrial Relations, or the
5 Director's designee, who shall serve as the
6 Chairperson of the working group;
- 7
- 8 (2) The Director of Human Resources Development, or the
9 Director's designee;
- 10
- 11 (3) The Director of Finance, or the Director's designee;
- 12
- 13 (4) The Attorney General, or the Attorney General's
14 designee;
- 15
- 16 (5) The Director of Human Services, or the Director's
17 designee;
- 18
- 19 (6) The Comptroller, or the Comptroller's designee;
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- 21 (7) The Chief Negotiator of the Office of Collective
22 Bargaining, or the Chief Negotiator's designee;
- 23
- 24 (8) One representative of a retiree association, to be
25 appointed by the President of the Senate;
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- 27 (9) One representative of a children's advocacy
28 organization, to be appointed by the Speaker of the
29 House of Representatives;
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- 31 (10) One representative of a women's advocacy organization,
32 to be appointed by the Governor;
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- 34 (11) Two representatives from public sector labor
35 organizations, to be appointed by the President of the
36 Senate; and
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- 38 (12) Two representatives from public sector labor
39 organizations, to be appointed by the Speaker of the
40 House of Representatives; and



S.R. NO. 65

1 BE IT FURTHER RESOLVED that the working group may invite
2 individuals from additional organizations or agencies to
3 participate in the working group; and
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5 BE IT FURTHER RESOLVED that the working group is requested
6 to submit a report of its findings and recommendations,
7 including any proposed legislation, to the Legislature no later
8 than twenty days prior to the convening of the Regular Session
9 of 2021; and
10

11 BE IT FURTHER RESOLVED that certified copies of this
12 Resolution be transmitted to the Governor, Director of Labor and
13 Industrial Relations, Director of Human Resources Development,
14 Director of Finance, Attorney General, Director of Human
15 Services, Comptroller, and Chief Negotiator.
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OFFERED BY:

