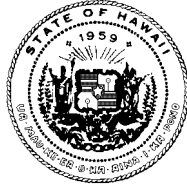


DAVID Y. IGE  
GOVERNOR



PANKAJ BHANOT  
DIRECTOR

CATHY BETTS  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

February 7, 2020

TO: The Honorable Aaron Ling Johanson, Chair  
House Committee on Labor and Public Employment

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 2148 - Relating to Family Leave**

Hearing: February 11, 2020, 9:10 a.m.  
Conference Room 309, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports this bill that will provide job protection for employees who must care for their grandchildren with a serious health condition.

**PURPOSE:** The purpose of the bill is to extend Hawaii family leave to include care for employees' grandchildren.

DHS recognizes that Hawaii has the highest cost of living, one of the highest costs of housing, and the highest percentage of multi-generational households. Multi-generational caregiving responsibilities are primarily performed by working or employable family members, and families struggle with the decision to care for family members or forego income. The proposal reflects positive responsive change, recognizing Hawaii's multi-generational families may need additional job protections to care for their grandchildren suffering from a serious health condition.

This bill aligns with the department's 'Ohana Nui framework, which employs a multi-generational lens to human services delivery. The approach addresses the needs of

AN EQUAL OPPORTUNITY AGENCY

children, parents, and grandparents early and concurrently, resulting in better outcomes for the family. Assessing and prioritizing the needs of the entire family to identify interventions and solutions is a major shift from the traditional siloed approach of government services.

DHS appreciates this legislature's focus on expanding unpaid leave for family members and notes that this positive change in our leave laws will reduce certain stressors for caregivers to focus on the needs of their family members.

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

DAVID Y. IGE  
GOVERNOR

JOSH GREEN  
LIEUTENANT GOVERNOR



SCOTT T. MURAKAMI  
DIRECTOR

ANNE EUSTAQUIO  
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 11, 2020

To: The Honorable Aaron Ling Johanson, Chair,  
The Honorable Stacelynn K.M. Eli, Vice Chair, and  
Members of the House Committee on Labor and Public Employment

Date: Tuesday, February 11, 2020

Time: 9:10 a.m.

Place: Conference Room 309, State Capitol

From: Scott T. Murakami, Director  
Department of Labor and Industrial Relations (DLIR)

**Re: H.B. No. 2148 RELATING TO FAMILY LEAVE**

**I. OVERVIEW OF PROPOSED LEGISLATION**

HB2148 amends sections 398-3(a) and 398-6(c), Hawaii Revised Statutes (HRS), by allowing an employee to take family leave to care for the employee's grandchild with a serious health condition.

DLIR supports the intent of this measure and proposes an amendment.

**II. CURRENT LAW**

The Hawaii Family Leave Law (HFLL), Chapter 398, HRS, provides for four weeks of family leave for employees of employers with 100 or more employees, upon the birth of a child of the employee or adoption of a child, or to care for the employee's child, spouse, reciprocal beneficiary, sibling, or parent with a serious health condition.

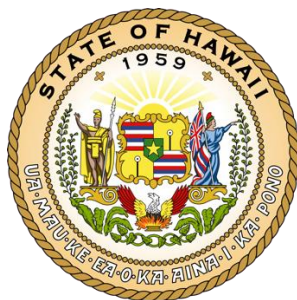
**III. COMMENTS ON THE HOUSE BILL**

This measure extends protected leave under the HFLL for an employee to care for their grandchild who has a serious health condition by adding "grandchild" to §§ 398-3 and 398-6, HRS. If the intent of the measure is to include care of grandchildren in the allowable uses of family leave, the DLIR suggests an additional amendment to the definition of "child".

As a housekeeping issue, Act 128 (Session Laws of Hawaii 2017) extended HFLL coverage to siblings. There is no definition of "sibling" in the law. The DLIR has received several inquiries concerning who is included as a sibling. For enforcement purposes, DLIR suggests the following definition of "sibling" be added in section 398-1:

"Sibling" means an individual who is a biological, adopted, or foster brother or sister; or a stepbrother or stepsister of an employee.

The Department notes that if the measure is enacted into law as drafted, it does not foresee a significant impact on staffing or resources.



‘O kēia ‘ōlelo hō’ike no ke  
**Komikina Kūlana Olakino o Nā Wāhine**

Testimony on behalf of the  
**Hawai‘i State Commission on the Status of Women**

Prepared for the House Committee on Labor (LAB)

In Support of HB2148

Tuesday, February 11, 2020, at 9:10 a.m. in Room 309

Dear Chair Johanson, Vice Chair Eli, and Honorable Members,

The Hawai‘i State Commission on the Status of Women supports HB2148 relating to family leave. This measure, if passed, would broaden coverage of Hawai‘i’s *unpaid* family leave law to include care for employee’s grandchildren.

The Commission recognizes that Hawai‘i ranks first in the nation for multigenerational families, and that there is a growing trend of grandparents acting as primary caregivers for their grandchildren. Currently, Hawai‘i’s family leave law does not allow grandparents to take protected leave to take care of their grandchildren. By allowing grandparents protected leave, this proposal would better align policy with the realities of Hawai‘i’s families. The Commission is also cognizant that unpaid leave is a non-benefit for many employees in Hawai‘i, who do not have enough savings to forego even one paycheck.

Accordingly, the Commission asks the Legislature to adopt a paid family leave program and the Committee to pass this measure.

Sincerely,  
Khara Jabola-Carolus  
Executive Director



## HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirtieth Legislature, State of Hawaii  
House of Representatives  
Committee on Labor and Public Employment

Testimony by  
Hawaii Government Employees Association

February 11, 2020

H.B. 2148 – RELATING TO FAMILY LEAVE

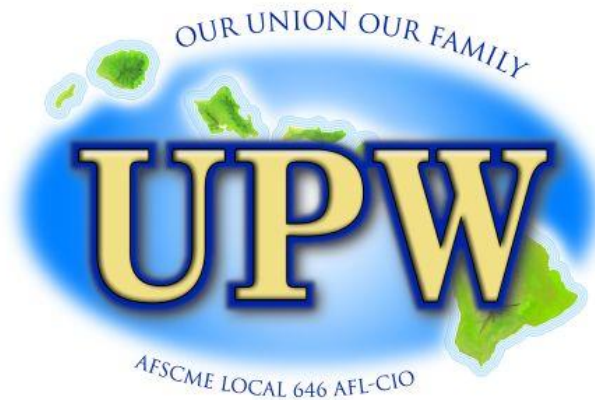
The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of H.B. 2148 which permits an employee to utilize family leave in order to care for the employee's grandchild.

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, sibling, or parent with a serious health condition, but does not include care for a grandchild. In some cases, an employee can retire comfortably prior to becoming a grandparent, but in many other cases, grandparents must work and are the primary caregiver of their grandchildren. We strongly support legislation that would allow employees the ability to utilize family leave to care for all of their family members – parents, siblings, spouses, children, and grandchildren.

Thank you for the opportunity to provide testimony in support of H.B. 2148.

Respectfully submitted,

  
for Randy Perreira  
Executive Director



THE HAWAII STATE HOUSE OF REPRESENTATIVES  
The Thirtieth Legislature  
Regular Session of 2020

COMMITTEE ON LABOR

Representative Aaron Ling Johansen, Chair  
Representative Stacelynn K. M. Eli, Vice Chair

DATE OF HEARING: Tuesday, February 11, 2020  
TIME OF HEARING: 9:10 AM  
PLACE OF HEARING: State Capitol  
415 South Beretania Street  
Conference Room 309

**TESTIMONY ON HOUSE BILL 2148**  
**Relating to Family Leave**

By DAYTON M. NAKANELUA,  
State Director of the United Public Workers (UPW),  
AFSCME Local 646, AFL-CIO

My name is Dayton M. Nakanelua, State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO. The UPW is the exclusive bargaining representative for approximately 13,000 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.

HB 2148 extends Hawaii family leave to include care for employees' grandchildren.

UPW strongly supports this measure.

Thank you for the opportunity to submit this testimony.

The Thirtieth Legislature  
Regular Session of 2019

HOUSE OF REPRESENTATIVES  
Committee on Labor and Public Employment  
Rep. Aaron Ling Johanson, Chair  
Rep. Stacelynn K.M. Eli Vice Chair  
State Capitol, Conference Room 309  
Tuesday, February 11, 2020; 9:10 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 2148  
RELATING TO FAMILY LEAVE**

The ILWU Local 142 **supports** H.B. 2148, which extends Hawaii family leave to include care for employees' grandchildren.

It is important to be able to care for family members with serious health conditions including grandchildren. Often, grandchildren rely on their grandparents to take care of them during a time of illness and H.B. 2148 will officially allow them to use family leave for that purpose.

The ILWU Local 142 urges the passage of H.B. 2148. Thank you for the opportunity to offer testimony on this measure.





Hawaii  
**Children's Action Network Speaks!**  
Building a unified voice for Hawaii's children

*Hawai'i Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.*

To: Representative Johanson, Chair  
Representative Eli, Vice Chair  
House Committee on Labor & Public Employment

Re: **HB 2148- relating to family leave**  
Hawai'i State Capitol, Room 309  
9:10AM, 2/11/2020

Chair Johanson, Vice Chair Eli, and committee members,

**On behalf of Hawaii Children's Action Network Speaks!, we are writing to support in support HB 2148-relating to family leave, with suggested amendments.**

Hawaii has the highest percentage of multigenerational households in the country.<sup>1</sup> Additionally, grandparents are more likely to be involved in the care and upbringing of their grandchild than the rest of the United States. Leaving grandparents out of the original Hawaii Family Leave Law was a mistake and it should be corrected. However, the Hawaii Family Leave Law does not apply to workplaces with 99 employees or less, and therefore does not cover the majority of our workforce.

If we want to see a true benefit and recognition of caregiving from family members, we need to adopt a state paid family leave program. We respectfully request the bill be amended to include a paid family leave program as outlined in HB 2219. We need to support our families and not force them to decide between caring for a loved one and paying their rent.

**For these reasons, HCAN Speaks! requests the Committee support this measure and suggested amendments.**

Thank you,

Kathleen Algire  
Director, Public Policy and Research

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<sup>1</sup> American Community Survey, 2018, 1 year estimates

**HB-2148**

Submitted on: 2/7/2020 6:22:28 PM

Testimony for LAB on 2/11/2020 9:10:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Younghi Overly	aaup of hawaii	Support	No

Comments:



TESTIMONY OF TINA YAMAKI  
PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
February 11, 2020

Re: HB 2148 Relating to Family Leave

Good morning Chairperson Johanson and members of the House Committee on Labor & 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) 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.

The Retail Merchants of Hawaii opposes HB 2148 Relating to Family Leave. This bill extends Hawaii family leave to include care for employees' grandchildren.

Employers are already required by law to provide Family Leave to employees that includes protected leave to care for family members who are ill. It is our understanding that this issue may be **already covered under Family and Medical Leave Act (FMLA)** if (1) the grandparent is the legal guardian of the grandchild; OR (2) the grandparent stands in loco parentis (an individual who assumes parental status and responsibilities for another individual like a young person, without formally adopting that person to the grandchild, OR (3) the grandparent is caring for a child through psychological and emotional support by taking care of the child's child, that is, the grandchild.

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.

**HB-2148**

Submitted on: 2/9/2020 5:04:06 PM

Testimony for LAB on 2/11/2020 9:10:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Azuma Chrupalyk	Individual	Support	No

Comments:

# Late Testimonies

**LATE**



**MAUI**  
CHAMBER OF COMMERCE  
VOICE OF BUSINESS

**HEARING BEFORE THE HOUSE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT  
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 309  
TUESDAY, FEBRUARY 11, 2020 AT 9:10 A.M.**

To The Honorable Aaron Ling Johanson, Chair;  
The Honorable Stacelynn K.M. Eli, Vice Chair; and  
Members of the Committee on Labor & Public Employment,

**TESTIMONY IN OPPOSITION TO HB2148 RELATING TO FAMILY LEAVE**

Aloha, my name is Pamela Tumpap and I am the President of the Maui Chamber of Commerce, with approximately 650 members. I am writing share our opposition to HB2148.

The Maui Chamber of Commerce supports the Family & Medical Leave Act (FMLA) and encourages the Legislature to conduct a study and analyze the impacts of expanded family leave on businesses before passing a law that goes beyond FMLA. Therefore, we oppose HB2148 to expand family leave to include care for employees' grandchildren.

In addition, we are concerned that the bill in its current form does not specify that the family leave would only apply for grandparents who are the primary caregivers of their grandchildren.

We appreciate the opportunity to testify on this matter.

Sincerely,

*Pamela Tumpap*

Pamela Tumpap  
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



# Chamber of Commerce HAWAII

*The Voice of Business*

## Testimony to the House Committee on Labor and Employment

Tuesday, February 11, 2020 at 9:10 A.M.

Conference Room 309, State Capitol

**RE: HB 2148, RELATING TO FAMILY LEAVE**

**LATE**

Chair Johanson, Vice Chair Eli, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **provides the following comments** for HB 2148, which extends Hawaii family leave to include care for employees' grandchildren.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 2,000+ businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

The Chamber understands the intent of this bill and notes that many businesses offer paid leave programs as a means for attracting and retaining their workforce especially with our low unemployment rates. We need policies that will help Hawaii bring new businesses and support those in existence by encouraging businesses to adopt their own innovative paid leave programs rather than by placing yet another mandate on employers and businesses.

Thank you for the opportunity to provide comments on this measure.



1050 Bishop St. PMB 235 | Honolulu, HI 96813  
P: 808-533-1292 | e: info@hawaiiifood.com

#### Executive Officers

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**Charlie Gustafson**, Tamura Super Market, *Vice Chair*  
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**Lauren Zirbel**, HFIA, *Executive Director*  
**John Schlif**, Rainbow Sales and Marketing, *Advisor*  
**Stan Brown**, Acosta Sales & Marketing, *Advisor*  
**Paul Kosasa**, ABC Stores, *Advisor*  
**Derek Kurisu**, KTA Superstores, *Advisor*  
**Beau Oshiro**, C&S Wholesale Grocers, *Advisor*  
**Toby Taniguchi**, KTA Superstores, *Advisor*

TO:  
Committee on Labor and Public Employment  
Rep. Aaron Ling Johanson, Chair  
Rep. Stacelynn K.M. Eli, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION  
Lauren Zirbel, Executive Director

**LATE**

DATE: February 11, 2020  
TIME: 9:10am  
PLACE: Conference Room 309

RE: HB2148 Relating to Family Leave

Position: Comments

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

Our member companies appreciate that some employees may sometimes need to take time off for reasons that are not currently mandated. These companies work with their employees to figure out scheduling that works for them. Trying to mandate every possible reason that an employee could need time off, or every potential family situation is just not feasible. We also have concerns that there has been no study of how this type of expansion to family could impact Hawaii businesses or Hawaii's economy. Thank you for the opportunity to testify.