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**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

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March 19, 2019

To: The Honorable Chris Lee, Chair,
The Honorable Joy A. San Buenaventura, Vice Chair, and
Members of the House Committee on Judiciary

Date: Tuesday, March 19, 2019

Time: 2:05 p.m.

Place: Conference Room 325, State Capitol

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

Re: S.B. No. 1046 S.D. 2 H.D. 1 RELATING TO DOMESTIC VIOLENCE

I. OVERVIEW OF PROPOSED LEGISLATION

SB1046 SD2HD1 amends section 398-3, Hawaii Revised Statutes (HRS), by allowing an employee to take family leave, separate from victim leave under section 378-72, HRS, to seek safety, medical attention, or victim services related to domestic or sexual violence against the employee or the employee's minor child.

The measure also adds certification requirements relating to the domestic or sexual violence against the employee or the employee's minor child and requires all information provided to the employer be maintained confidential by the employer, and shall not be disclosed, except when requested or consented by the employee, ordered by a court or administrative agency, or otherwise required by applicable federal or state law.

DLIR [offers comments](#).

II. CURRENT LAW

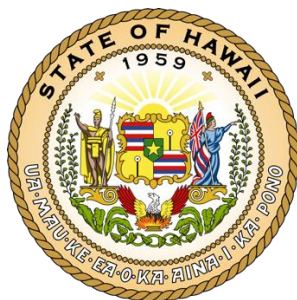
The Hawaii Family Leave Law (HFLL), Chapter 398, HRS, provides four weeks of family leave for employees of employers with 100 or more employees, upon the birth or adoption of a child, or to care for a family member with a serious health condition.

Chapter 378, Employment Practices, Part VI Victims Protections, includes a provision (section 378-72(a)) for up to 30 days of protected leave for businesses with 50 or more employees and 5 days for businesses with 49 or less employees.

Section 378-73 requires the exhaustion of all other types of leave before section 378-72(a) leave can be taken and providing for a combined maximum of 30 days of protected leave. Violations are enforced through civil action.

III. COMMENTS ON THE SENATE BILL

The DLIR supports protecting victims of domestic or sexual violence from losing their jobs because of time taken to recover from the illegal acts of others. The Department notes that if the measure is enacted into law as it will expand the pool of people who will be eligible for the leave, and thus potentially increase the number of complainants who need the assistance of the DLIR. The nature of this type of investigation is more difficult because keeping a complainants' confidentiality expands the investigation to keep anonymity. The impact on staffing or resources is difficult to predict.



‘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 Judiciary

In Support of SB1046 SD2 HD1
Tuesday, March 19, 2019, at 2:05 p.m. in Room 325

Dear Chair Lee, Vice Chair San Buenaventura, and Honorable Members,

The Hawai‘i State Commission on the Status of Women strongly supports SB1046 SD2 HD1, which would allow an employee to take family leave in addition to victim leave when the leave is related to domestic or sexual violence against the employee or the employee's minor child. The measure would require an employee to submit certification related to domestic or sexual violence of the employee or the employee's minor child.

The Commission notes that domestic and sexual violence is continuing to overwhelm the resources of local service providers. Hawai‘i workplaces should be modeled after the experiences and life patterns of women, including the gender-based violence that often disrupts our lives. Accordingly, the Commission asks that the Committee pass this measure.

Sincerely,
Khara Jabola-Carolus

SB-1046-HD-1

Submitted on: 3/16/2019 3:26:16 AM

Testimony for JUD on 3/19/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Golojuch	Rainbow Family 808	Support	No

Comments:

I support SB1046. Please pass this bill.

Mike Golojuch, Sr., Board Member, Rainbow Family 808

March 17, 2019

To: Rep. Chris Lee, Chair
Rep. Joy A. San Buenaventura, Vice Chair
House Committee on Judiciary

From: Laura Nevitt, Director of Public Policy
Hawaii Children's Action Network

Re: **S.B. 1046— RELATING TO DOMESTIC VIOLENCE.**
Hawaii State Capitol, Room 325 , March 19, 2019, 2:05 PM

HCAN is committed to improving lives and being a strong voice advocating for Hawai'i's children. We write in SUPPORT, with ammendments to SB 1046 which allows an employee to take family leave in addition to victim leave when the leave is related to domestic or sexual violence against the employee or the employee's minor child. Requires an employee to submit certification related to domestic or sexual violence of the employee or the employee's minor child. Requires employer confidentiality of information related to domestic or sexual violence against the employee or the employee's minor child. Effective 1/1/2023. (SD1)

Victims of domestic violence, which are more often than not women, must take time off of work to deal with the various health and safety needs of themselves and/or their children. They need time and ongoing income to move forward. This bill provides the resources for a successful transition and provides an important safety net to maintain employment, quality of life and safety.

For these reasons, HCAN asks the committee to pass SB 1046.

HCAN is committed to building a unified voice advocating for Hawaii's children by improving their safety, health, and education.

SB-1046-HD-1

Submitted on: 3/18/2019 10:45:43 AM

Testimony for JUD on 3/19/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Field	Planned Parenthood Votes Northwest and Hawaii	Support	No

Comments:

hscadv



HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE
1164 Bishop Street, Suite 1609, Honolulu, HI 96813

DATE: March 18, 2019

TO:

House Committee on Judiciary

Rep. Chris Lee, Chair

Rep. Joy A. San Buenaventura, Vice Chair

Rep. Tom Brower

Rep. Calvin K.Y. Say

Rep. Richard P. Creagan

Rep. Gregg Takayama

Rep. Nicole E. Lowen

Rep. Ryan I. Yamane

Rep. Angus L.K. McKelvey

Rep. Cynthia Thielen

Rep. Dee Morikawa

FROM: Hawaii State Coalition Against Domestic Violence

RE: Support SB 1046SD2HD1

Dear Members of the Committee:

On behalf of the Hawaii State Coalition Against Domestic Violence (HSCADV) and our 23 member organizations across the state, I am submitting testimony in **STRONG SUPPORT of SB 1046SD2HD1** which allows an employee to take family leave in addition to victim leave when the leave is related to domestic or sexual violence against the employee or employee's minor child.

It is often the case that victims of domestic violence or sexual assault must take time off of work to attend to various health and safety needs for themselves or their children. After exhausting all other kinds of leave seeking medical care or taking legal actions, this bill allows for family leave to be used separately. It will provide an important safety net for employees to maintain their employment, quality of life and safety.

As stated above, HSCADV strongly supports SB 1046Sd2HD1.

Thank you for your consideration of our testimony.

Respectfully,

Carmen Golay
Members Services Manager
Hawaii State Coalition Against Domestic Violence

Together we can do amazing things



COMMITTEE ON JUDICIARY

Rep. Chris Lee, Chair

Rep. Joy A. San Buenaventura, Vice Chair

DATE: Tuesday, March 19, 2019

TIME: 2:05 pm

PLACE: Conference Room 325

Aloha Chair Lee, Vice Chair San Buenaventura and members,

The Women's Coalition is in strong support of this measure to allow victims of Domestic Violence to take family leave separate from victim leave. The trauma that victims, including minor children, suffer after such events(s) can be long-lasting and far reaching, both physically and mentally.

Please pass this bill.

Mahalo,

Ann S. Freed

Co-Chair Hawaii Women's Coalition



LATE

TO: Chair Lee, Vice Chair San Buenaventura, and Members of the House Committee on Judiciary

FROM: Ryan Kusumoto, President & CEO of Parents And Children Together (PACT)

DATE/LOCATION: March 19, 2019; 2:05 p.m., Conference Room 325

RE: TESTIMONY IN STRONG SUPPORT OF SB 1046 SD 2 HD 1– RELATING TO DOMESTIC VIOLENCE

We ask you to support SB 1046 which seeks to allow an employee to take family leave in addition to victim leave when the leave is related to domestic or sexual violence against the employee or the employee's minor child. The bill also requires employer confidentiality of information related to domestic or sexual violence against the employee or the employee's minor child. We strongly support this bill which would provide survivors and their minor children with additional time for tending to essential needs without fear of losing employment and/or necessary income, which is critical to their future independence and success.

Domestic violence survivors not only endure the trauma of the abuse itself but also must deal with additional baggage in the wake of the drama and destruction. There is often the additional burden of legal follow up, medical and health related issues, necessity to seek new shelter, not to mention the healing process itself and the time and effort that is associated with these many tasks on top of normal day to day life. This bill would support survivors and provide them time and space to accomplish important tasks on their path towards hope and healing.

Founded in 1968, Parents And Children Together (PACT) is one of Hawaii's not-for-profit organizations providing a wide array of innovative and educational social services to families in need. Assisting more than 15,000 people across the state annually, PACT helps families identify, address and successfully resolve challenges through its 18 programs. Among its services are: early education programs, domestic violence prevention and intervention programs, child abuse prevention and intervention programs, childhood sexual abuse supportive group services, child and adolescent behavioral health programs, sex trafficking intervention, and poverty prevention and community building programs.

Thank you for the opportunity to testify in **support of SB 1046 SD 2 HD 1**, please contact me at (808) 847-3285 or rkusumoto@pacthawaii.org if you have any questions.

SB-1046-HD-1

Submitted on: 3/16/2019 4:04:56 PM

Testimony for JUD on 3/19/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments:

SB-1046-HD-1

Submitted on: 3/16/2019 6:25:17 PM

Testimony for JUD on 3/19/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lea Minton	Individual	Support	No

Comments:

sanbuenaventura2 - Kevin

From: Susan Wurtzburg <nzxbhxbldbfhxs@ujoin.co>
Sent: Monday, March 18, 2019 2:17 PM
To: JUDtestimony
Subject: Support SB 1046, SD2, HD1

From: susan.wurtzburg@gmail.com <Susan Wurtzburg>

Message:

This is an important issue for women in Hawaii. Plus, it affects the children, who often accompany them.

Aloha Chairman Lee, Vice-Chairwoman San Buenaventura and members of the House Committee on Judiciary,

I write in SUPPORT, of SB 1046, SD2, HD1 which Allows an employee to take family leave in addition to victim leave for leave to seek safety, medical attention, or victim services related to domestic or sexual violence against the employee or the employee's minor child. Requires the employee to submit certification and employer confidentiality of information except under certain conditions. (SB1046 HD1)

Victims of domestic violence, which are more often than not women, must take time off of work to deal with the various health and safety needs of themselves and/or their children. They need time and ongoing income to move forward. This bill provides the resources for a successful transition and provides an important safety net to maintain employment, quality of life and safety.

I respectfully ask the committee to pass SB 1046

Susan Wurtzburg

Kailua

Hawaii