



‘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 Senate Committee on Judiciary

In Support of SB1046 SD1
Thursday, February 21, 2019, at 9:00 a.m. in Room 016

Dear Chair Rhoads, Vice Chair Wakai, and Honorable Members,

The Hawai‘i State Commission on the Status of Women strongly supports SB1046 SD1, 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.

Sincerely,
Khara Jabola-Carolus



SB1046 SD1
RELATING TO DOMESTIC VIOLENCE
Ke Kōmike Ho'okolokolo

Pepeluali 21, 2019

9:00 a.m.

Lumi 016

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB1046 SD1, which seeks to amend the Hawaii Family Leave Law to allow an employee to take family leave, separate from victim leave, related to domestic or sexual violence against the employee or the employee's minor child. This bill would ensure Native Hawaiian adults and youth—who exhibit high rates of intimate partner violence and domestic abuse—receive adequate time to tend to the cumulative and harmful consequences to their health, financial security, and safety resulting from domestic violence, without fear of adverse consequences to their employment.

The Native Hawaiian community is uniquely impacted by domestic violence issues and the attendant consequences faced by victims. OHA research shows that Native Hawaiian keiki are over-represented as victims of abuse and neglect.¹ Native Hawaiian youth also suffer from alarming rates of intimate partner violence starting in middle and high school;² for example, 18% of Native Hawaiian high school females state they have been forced to do sexual things by their date or partner.³ Moreover, adult Hawaiian women experience intimate partner violence at significantly higher levels than non-Hawaiian women, especially during the ages of 18-29 years old and 45-59 years old.⁴

OHA has long advocated for meaningful policies to reduce inequities faced by Native Hawaiians. Most recently, OHA spearheaded the effort to codify “social determinants of health” through Act 155 (Reg. Sess. 2014) and require state agencies to take a holistic and systemic approach to addressing health disparities seen in Native Hawaiian and other communities. Domestic violence can greatly impact the overall well-being of all involved, including by impacting their mental and physical health as well as their economic and housing security; given the particular impacts of domestic violence on the Native Hawaiian community, OHA has an interest in policy solutions that can help stabilize and protect families impacted by domestic violence and its manifold consequences.

¹ See generally, OFFICE OF HAWAIIAN AFFAIRS, HAUMEA—TRANSFORMING THE HEALTH OF NATIVE HAWAIIAN WOMEN AND EMPOWERING WĀHINE WELL-BEING (2018).

² *Id.* at 80-81.

³ Alarming, 1 in 10 high school females, both Native Hawaiians and generally, have been forced to have sexual intercourse. *Id.*

⁴ *Id.* at 81-82.

Victims of domestic violence often need to take leave from their employment to attend to various health and legal matters. Addressing such matters should not result in further risks to their financial security or employment, which may only further exacerbate impacts to their personal health and well-being. **Accordingly, by allowing victims to take leave to deal with their abusive circumstances, without fear of adverse employment consequences, SB1046 SD1 would promote the well-being of the Native Hawaiian community and others impacted by domestic violence, and make Hawai'i a leader in efforts to protect children and adults experiencing the trauma of domestic violence.**

Accordingly, OHA urges the Committee to **PASS** SB1046 SD1. Mahalo nui for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



SCOTT T. MURAKAMI
DIRECTOR

LEONARD HOSHIJO
DEPUTY DIRECTOR

LATE

**STATE OF HAWAII
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February 21, 2019

To: The Honorable Karl Rhoads, Chair,
The Honorable Glenn Wakai, Vice Chair, and
Members of the Senate Committee on Judiciary

Date: Thursday, February 21, 2019
Time: 9:00 a.m.
Place: Conference Room 016, State Capitol

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

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

I. OVERVIEW OF PROPOSED LEGISLATION

SB1046 SD1 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

This measure expands the pool of eligible individuals for protected leave from their jobs. The DLIR notes that the measure potentially increases the number of complainants who need the assistance of the Department. The nature of this type of investigation is more difficult due to maintaining complainants' confidentiality. The impact on staffing or resources is difficult to predict.



Parents And
Children Together
BUILDING THE RELATIONSHIPS THAT MATTER MOST

LATE

TO: Chair Rhoads, Vice Chair Wakai, and Members of the Senate Committee on Judiciary

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

DATE/LOCATION: February 21, 2019; 9:00 a.m., Conference Room 016

RE: TESTIMONY IN STRONG SUPPORT OF SB 1046– 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**, please contact me at (808) 847-3285 or rkusumoto@pacthawaii.org if you have any questions.

February 20, 2019

To: Kenekoa/Senator Karl Rhoads, Luna Ho'omalua/Chair
Kenekoa/Senator Glenn Wakai, Hope Luna Ho'omalua/Vice Chair
Senate 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 016 , February 21, 2019, 9:00 AM

LATE

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-SD-1

Submitted on: 2/20/2019 3:38:35 PM

Testimony for JDC on 2/21/2019 9:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Erica Yamauchi	Testifying for Hawaii Children's Action Network	Support	No

Comments:

This bill is needed to lessen the burdens placed on domestic violence survivors, and their families, in moving forward past their traumas and toward healthier lives. I write in strong support of the bill, as a mother, child advocate and businessowner.

SB-1046-SD-1

Submitted on: 2/16/2019 6:45:48 PM

Testimony for JDC on 2/21/2019 9:00:00 AM

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

Comments:

LATE

SB-1046-SD-1

Submitted on: 2/21/2019 2:52:32 AM

Testimony for JDC on 2/21/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ann S Freed	Individual	Support	No

Comments:

Aloha Chair Rhoads, Vice Chair Wakai and members

I am in support of this measure.

Mahalo, Ann S. Freed

LATE

From: [Courtney Paige Di Maggio](mailto:Courtney.Paige.Di.Maggio)
To: [JDCTestimony](#)
Subject: Support SB1046!
Date: Wednesday, February 20, 2019 7:57:05 PM

From: courtneydimaggio@gmail.com <Courtney Paige Di Maggio>

Message:

I sincerely ask the committee to pass SB 1046. Unless you have gone through domestic or sexual violence, I imagine it would be hard to conceptualize what person goes through. Just imagine having a child victimized sexually, would you not do anything in your power to make sure your child gets the services he or she needs? Would you not only focus on the well-being of your child after being brutally assaulted or sexually violated? Work is not priority, however work is always on your mind because you need the income, you need the insurance coverage.

Senator Rhoads, Senator Wakai and the Committee on Judiciary,

I write in SUPPORT of 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, I ask the committee to pass SB 1046.

Courtney Paige Di Maggio

Hoolehua

Hawaii