



STATE OF HAWAII

**LATE**

February 7, 2019

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

Date: Thursday, February 7, 2019  
Time: 2:45 p.m.  
Place: Conference Room 224, State Capitol

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

**Re: S.B. No. 1046 RELATING TO DOMESTIC VIOLENCE**

**I. OVERVIEW OF PROPOSED LEGISLATION**

SB1046 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 in the strictest confidence 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.

§378-73 requires the exhaustion of all other types of leave before 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 Department notes that if the measure is enacted into law as drafted it does not foresee a significant impact on staffing or resources.

**SB-1046**

Submitted on: 2/6/2019 3:49:45 PM

Testimony for LCA on 2/7/2019 2:45:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

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SB1046  
RELATING TO DOMESTIC VIOLENCE; SEXUAL VIOLENCE  
State Committee on Labor, Culture, and ARTS  
State Committee on Judiciary  
Joint Public Hearing - February 7, 2019  
2:45pm., State Capital, Conference Room 224  
By  
University of Hawaii at Manoa Master of Social Work Student

I am a resident of Honolulu, as well as a Master of Social Work student at the University of Hawaii at Manoa. I strongly support the SB 1046 bill in the matter of domestic or sexual violence against the employee or the employee's minor child in regards to allow them to take victim leave when they need in order to seek safety or medical attention for themselves or their child, or to take legal action against an abuser. Present-day victims or victims' parents of employees must use his/her paid and sick leave before using victim leaves. If we allow an employee to take family leave, separate from victim leave, this would help the current inconvenience. In those traumatic stressful times that the victims and their family they have to go through, it is important that they receive understanding and support from their employer.

I would like to share the story of a client who was born and raised in a foreign country. She married with an American man. She had hopes and a dreams for her future life in the U.S. Unfortunately, soon after the marriage, she found out that her husband had a serious drug problem. While struggling through her new life, he became increasingly violent. I remember clearly when she attended a court hearing against her ex-husband, she was terrified to even face him in the same room. Nonetheless, she was also worried about her future life without him. She needed to become an independent person with her small child in an unfamiliar culture.

I am testifying in favor of SB 1046. I am providing commentary on the importance of having an eligible family leave separate from victim leave that would allow survivors necessary time to seek the services that they need. This adjustment will tremendously benefit the victim and their families.

Additional support for survivors' journeys towards healing from traumatic events and provide a platform for self-care and for their well-being. Keeping a job is an important factor in maintaining their independent life. Also, recognising and understanding support from the victims' or their parents' workplace during such a challenging time may give survivors less stress within their workplace.

Being the victim or the parent of a victim of such sensitive situations should not be costly, should not be time-consuming, and should not jeopardize one's employment.

Thank you for the opportunity to comment on this bill.

Master of Social Work student at the University of Hawaii at Manoa

**SB-1046**

Submitted on: 2/5/2019 9:47:00 PM

Testimony for LCA on 2/7/2019 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Susan J. Wurtzburg	Individual	Support	No

Comments:

I am grateful for this opportunity to testify in **strong support of S.B. 1046**, relating to domestic violence.

My testimony is informed by many years of work in the field of domestic violence, and research conducted with survivors of intimate partner violence. In addition, when I lived in New Zealand, I managed a 24-hour, 7-days/week domestic violence hotline, and I also trained hotline Advocates to respond skillfully and empathetically to survivors of violence. I provided extensive education to Advocates for Women, and also worked with police, courts, and other service agencies on behalf of survivors.

Women, and it is typically women, find it difficult to sort out the emotional and logistical tasks connected with leaving a violence domestic situation. They need time and ongoing income to move forward. This bill provides the resources for a successful transition, or whatever tasks a woman needs to complete to keep herself and any children safe.

Please pass this bill.

Sincerely,

Susan J. Wurtzburg, Ph.D.

# hscadv



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

DATE: February 5, 2019  
TO:  
**Senate Committee on Labor, Culture and the Arts**  
Chair Brian Taniguchi  
Vice Chair Les Ihara  
Stanley Chang  
Mike Gabbard  
Kurt Fevella

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LATE

FROM: Hawaii State Coalition Against Domestic Violence  
RE: Support SB 1046

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 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 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 1046.

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 ~