

‘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**

In Support of HB567 HD1 With Amendments
February 9, 2021

Aloha Chair Nakashima, Vice Chair Matayoshi, and Honorable Members,

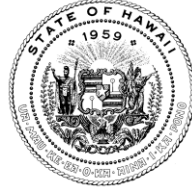
The Hawai‘i State Commission on the Status of Women (CSW) writes in support of HB567 HD1, which requires the legislative reference bureau to conduct a study on telework and the use of alternative work schedules for state employees. The amended bill also requires state departments and agencies to cooperate with the legislative reference bureau. Finally, HB567 HD 1 legislative reference bureau to submit a report of its findings and recommendations, including proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2022.

HB567 is the only telework-related bill introduced this Session that addresses the impact of school, daycare, and senior care disruptions on gender equality. The 2010 telework policy explicitly prohibits telework while or for caregiving, which has been negatively impact women’s equality in the workplace for over a decade.

To ensure women are protected as we await the proposed LRB study, we request the following amendment:

Section 5. Upon declaration of a public health emergency by the Governor, all state departments shall adopt emergency telework policies as set forth by the interim guidance issued in March 2020 by the Department of Human Resources Development, which permits teleworking while caregiving for state department employees, until the Governor declares the public health emergency no longer exists.

Sincerely,
Khara Jabola-Carolus



DAVID Y. IGE
GOVERNOR

JOSH GREEN
LT. GOVERNOR

**STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

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P.O. BOX 541
HONOLULU, HAWAII 96809
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CATHERINE P. AWAKUNI COLÓN
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

Testimony of the Department of Commerce and Consumer Affairs

**Before the
House Committee on Judiciary and Hawaiian Affairs
Wednesday, February 10, 2021
2:00 p.m.
Via Videoconference**

**On the following measure:
H.B. 567, H.D. 1, RELATING TO EMPLOYMENT**

WRITTEN TESTIMONY ONLY

Chair Nakashima and Members of the Committee:

My name is Catherine Awakuni Colón, and I am the Director of the Department of Commerce and Consumer Affairs (DCCA or Department). The Department appreciates the intent of this bill and offers comments.

The purposes of H.D. 1 are to require: (1) the Legislative Reference Bureau (LRB) to conduct a study on telework and the use of alternative work schedules for state employees; (2) the LRB to submit a report of its findings and recommendations, including proposed legislation, to the Legislature prior to the convening of the Regular Session of 2022; and (3) state departments and agencies to cooperate with the LRB in providing the information and data necessary to conduct the study.

The Department can say unequivocally that telework was and is critical in allowing the DCCA to continue its operations and serve the public in a safe and responsible manner. Telework allows for flexibility in staggering employee presence in

the workplace and in effectively providing for sufficient distancing between work stations, and it has allowed employees to address dependent care while still being able to fulfill work assignments.

The Department believes that telework should continue to be an important element of the work environment, even after the need for social distancing has abated, as it affords both the DCCA and its employees with the flexibility to get work done, irrespective of where that work is performed.

The Department is available to provide information and data to the LRB so that it may conduct its study on telework and the use of alternative work schedules for state employees.

Thank you for the opportunity to testify on this bill.

DAVID Y. IGE
GOVERNOR



RYKER WADA
DIRECTOR

ANDREW T. GARRETT
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

February 9, 2021

TESTIMONY TO THE
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

For Hearing on Wednesday, February 10, 2021
2 p.m. via video teleconference

By

RYKER WADA
DIRECTOR

House Bill 567, HD 1 – Relating to Employment

Dear Chair Nakashima, Vice-Chair Matayoshi and Members of the Committee:

The Department of Human Resources Development (DHRD) **supports the intent** of HB567, HD1, which requires the legislative reference bureau (LRB), with the cooperation of state departments and agencies, to conduct a study on telework and the use of alternative work schedules for state employees and submit a report of its findings and recommendations, including proposed legislation no later than twenty days prior to the convening of the regular session of 2022.

Without a doubt, the effective use of telework has been an instrumental part of the state's COVID-19 response. What initially started off as part of our public health strategy has allowed departments to continue to serve the public, all the while protecting members of our workforce. We believe that telework is here to stay.

As we noted in our testimony to the House Labor and Tourism committee, issues pertaining to employees' wages and work conditions have historically been subject to collective bargaining between the employer and exclusive employee representative. We believe the proper venue to further explore telework or alternative work schedules is via direct negotiation with the public sector unions rather than through proposed legislation.

Along those lines, DHRD currently has two Memoranda of Understanding (MOU) with the Hawaii Government Employees Association (HGEA) on these topics. Our telework agreement, negotiated in 2010, provides a viable alternate work option that has allowed departments to meet its obligations while improving employee productivity and morale. Our alternative work week program affords employees the flexibility to work a non-standard work schedule. For example, rather than working 5 days a week for 8 hours a day, some employees work a “4-10” schedule, where they work 4 days a week for 10 hours a day. In both instances, the supervisor must sign off on each such arrangement on a case-by-case basis.

DHRD believes a LRB study as proposed in HB 567 HD1 will be of great value and help prepare us for future discussions with the public sector unions on this topic. We welcome additional data points as we continue to assess the role of telework as part of our “new normal” going forward.

Thank you for allowing us the opportunity to provide this testimony.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/10/2021

Time: 02:00 PM

Location: 325 Via Videoconference

Committee: House Judiciary & Hawaiian
Affairs

Department: Education

Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education

Title of Bill: HB 0567, HD1 RELATING TO EMPLOYMENT.

Purpose of Bill: Requires the legislative reference bureau to conduct a study on telework and the use of alternative work schedules for state employees. Requires state departments and agencies to cooperate with the legislative reference bureau. Requires the legislative reference bureau to submit a report of its findings and recommendations, including proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2022. (HD1)

Department's Position:

The Hawaii State Department of Education (Department) supports HB 567, HD1 and is committed to cooperating with the Legislative Reference Bureau to employ best practices in defining telework and alternative work schedule policies to support innovative practices throughout the Department.

The Department currently has a telework program that aligns with our primary mission as an educational agency. Our schools have been empowered to make operational decisions that take into account the unique needs of their school communities and to provide the appropriate educational and support structures for their students.

Thank you for the opportunity to testify on HB 567, HD1.

The Hawai'i State Department of Education is committed to delivering on our promises to students, providing an equitable, excellent, and innovative learning environment in every school to engage and elevate our communities. This is achieved through targeted

work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.

Charlotte A. Carter-Yamauchi
Director

Shawn K. Nakama
First Assistant

Research (808) 587-0666
Revisor (808) 587-0670
Fax (808) 587-0681



LEGISLATIVE REFERENCE BUREAU
State of Hawaii
State Capitol, Room 446
415 S. Beretania Street
Honolulu, Hawaii 96813

Written Comments

HB567 HD1 RELATING TO EMPLOYMENT

Charlotte A. Carter-Yamauchi, Director
Legislative Reference Bureau

Presented to the House Committee on Judiciary and Hawaiian Affairs

Wednesday, February 10, 2021, 2:00 p.m.
Via Video Conference Room 325

Chair Nakashima and Members of the Committee:

I am Charlotte Carter-Yamauchi, Director of the Legislative Reference Bureau (LRB). Thank you for this opportunity to provide written **comments** on H.B. No. 567, H.D. 1, Relating to Employment.

The purpose of this measure is to require the Legislative Reference Bureau to conduct a study on telework and the use of alternative work schedules for state employees. The measure also requires state departments and agencies to cooperate with the Bureau, and requires the Bureau to submit a report of its findings and recommendations, including proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2022.

The measure specifically requires the Bureau to recommendations on the following:

- (1) Standards and procedures for telework and use of alternative work schedules;
- (2) Categories of employees and positions that may be suitable for telework or an alternative work schedule;
- (3) Broad categories of positions that may be unsuitable for telework or an alternative work schedule, and an explanation for the determination;

- (4) The feasibility of allowing employees who act as a caregiver for a household member to telework or use an alternative work schedule;
- (5) Including the use of alternative work locations as a location from which to telework;
- (6) Impacts of teleworking on the use of state information technology assets;
- (7) Allowing eligible employees to use computers, computing devices, or related electronic equipment not owned or leased by the State to telework;
- (8) Incentive programs to encourage the use of telework and alternative work schedules;
- (9) Promotion of telework and alternative work schedule options for eligible employees by management; and
- (10) Annual percentage targets, by department, for the number of positions eligible for telework or an alternative work schedule.

The Bureau takes no position on this measure but submits the following comments for your consideration.

As currently drafted, the measure requires the Bureau to develop recommendations on some very specific aspects of a public sector teleworking paradigm. In reviewing these individual aspects with an eye to scoping a potential study topic, the Bureau feels it is ill-equipped to provide such detailed recommendations on what could be very technically complex or labor-intensive subjects within the time provided.

The Bureau does not retain subject matter experts in the fields of telecommunications, employment practices, or collective bargaining, nor does it possess an inherent comprehensive knowledge of the myriad position classifications and job responsibilities of the estimated 48,000+ civil service and exempt public employees employed by the State. Consequently, the Bureau would have to contract the services of such experts and do so by drafting a Request for Proposals on this project and executing a contract that is subject to the State Procurement Code. In all likelihood, we would not be able to complete the contracting process, much less the study itself, within the limited timeframe provided for in this measure. Accordingly, we would need an exemption from the procurement code requirements, additional time in which to complete the study, or both. Moreover, the Bureau's annual operating budget does not contain funds for the contracting of study services, and thus a specific amount for the purposes of this measure would need to be appropriated.

The Bureau notes that, since 2010, the statutory responsibility to promote and encourage use of telework alternatives for public and private employees, including appropriate policy and legislative initiatives, has rested with the Director of Commerce and Consumer Affairs pursuant to section 440G-11.5, Hawaii Revised Statutes. Moreover,

section 440G-11.5(a)(2), states that the Director of Commerce and Consumer Affairs shall "... [a]dvise and assist state agencies, and upon request of the counties, advise and assist the counties, in planning, developing, and administering programs, projects, plans, policies, and other activities to promote telecommuting by employees of state and county agencies". The full text of that section is provided below:

§440G-11.5 Other duties of the director; broadband services.

(a) In conjunction with broadband services, the director shall:

- (1) Promote and encourage use of telework alternatives for public and private employees, including appropriate policy and legislative initiatives;
- (2) Advise and assist state agencies, and upon request of the counties, advise and assist the counties, in planning, developing, and administering programs, projects, plans, policies, and other activities to promote telecommuting by employees of state and county agencies;
- (3) Support the efforts of both public and private entities in Hawaii to enhance or facilitate the deployment of, and access to, competitively priced, advanced electronic communications services, including broadband and its products and services and internet access services of general application throughout Hawaii;
- (4) Make recommendations to establish affordable, accessible broadband services to unserved and underserved areas of Hawaii and monitor advancements in communications that will facilitate this goal;
- (5) Advocate for, and facilitate the development and deployment of, expanded broadband applications, programs, and services, including telework, telehealth, and e-learning, that will bolster the usage of and demand for broadband level telecommunications;
- (6) Serve as a broadband information and applications clearinghouse for the State and a coordination point for federal American Recovery and Reinvestment Act of 2009 broadband-related services and programs; and
- (7) Promote, advocate, and facilitate the implementation of the findings and recommendations of the Hawaii broadband task force established by Act 2, First Special Session Laws of Hawaii 2007.

[(b)] The director shall submit an annual report to the legislature, no later than twenty days prior to the convening of each regular session, on the department's efforts to use broadband and its products and services to develop and expand telework initiatives, including telework participation levels and trends of both private and public sector employees in Hawaii.

[(c)] The department of commerce and consumer affairs shall report annually to the legislature, no later than twenty days prior to the convening of each regular session, on the receipt and expenditure of federal moneys from the American Recovery and Reinvestment Act of 2009, and moneys from other federal appropriation measures or applicable federal acts, for the purposes of purchasing broadband facilities, services, or equipment or for entering into contracts for broadband-related projects by all state agencies for all state agencies approval.

[(d)] Pursuant to [section] 440G-12(d), the director may appoint and employ engineers, accountants, attorneys, and professional, clerical, stenographic, or other assistants, as required, with or without regard to chapter 76. [L 2010, c 199, §§2, 5; am L 2014, c 159, §6]

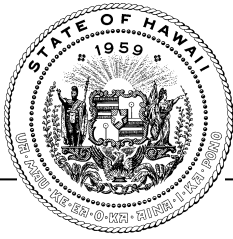
For the Committee's information, the annual reports required under section 440G-11.5(c), HRS, that detail the department's efforts to use broadband and its products and services to develop and expand telework initiatives, including telework participation levels and trends of both private and public sector employees in Hawaii, are filed with the Bureau's Library and are available for your review at <https://lrb.hawaii.gov/>, with the most recent report's Call Number being TK5103.4 H33 2020.

The Bureau observes that a number of state departments testified before the prior House Committee in support of H.B. No. 567, as introduced, which establishes in statute, telework and alternative work schedules for state employees, caregiving as a valid reason to telework, and allows state employees to telework and act as caregivers at the same time. The supportive testifiers included the Department of Education, Department of Health, Department of Commerce and Consumer Affairs, Department of Transportation, and Department of Human Resources Development. In their testimony, the agencies indicated that they already have initiatives in place allowing telecommuting and expect to continue to do so in the future past the pandemic.

Moreover, it should be recognized that the Office of Planning pointed out in its testimony that the Office, in conjunction with the Department of Human Resources Development (DHRD), Office of Enterprise Technology Services (ETS), and the City and County of Honolulu's Departments of Transportation Services (DTS), Human Resources, and Information Technology, is already undertaking a project known as "Work Where You Live." According to the Office of Planning's testimony, the purpose of the project is to survey State and City workers on Oahu on their current teleworking experience and to develop recommendations to improve State and City telework policies. The project will also review telecommuting and telework best practices from other governmental jurisdictions that may be implemented in Hawaii. Funding for the project has been provided from the City Department of Transportation Services with approval of the Oahu Metropolitan Planning Organization. The project is expected to get underway this month and should be completed by fall of this year.

Finally, the Bureau also notes that a Bureau study on telecommuting was completed in 1992 and resulted in the report, *Telecommuting: The Ride of the Future* (found at https://lrb.hawaii.gov/wp-content/uploads/1992_Telecommuting.pdf). The Bureau studied, in a very broad, overview type of examination, both public and private sectors and was meant to generally ascertain factors that would "encourage public and private employers to adopt telework policies allowing employees to work at home." Much of the study's observations and recommendations are still relevant today. One such point particularly worth noting that would possibly provide the subject matter expertise necessary to assist the Director of Commerce and Consumer Affairs in effectively tackling the issues identified in the measure is that the State should re-establish the Telework Task Force, which was originally established back in 1988, and re-focus its membership to only include members who would provide insight to implementing public sector teleworking paradigms.

Thank you again for the opportunity to submit written comments.



OFFICE OF PLANNING STATE OF HAWAII

DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
DIRECTOR
OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
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Statement of
MARY ALICE EVANS
Director, Office of Planning
before the
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
Wednesday, February 10, 2021
2:00 PM
State Capitol, Conference Room via Videoconference

in consideration of
HB 567, HD1
RELATING TO EMPLOYMENT.

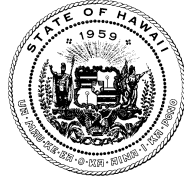
Chair Nakashima, Vice Chair Matayoshi, and Members of the House Committee on Judiciary and Hawaiian Affairs. The Office of Planning **supports** HB 567, HD1 which requires the legislative reference bureau to conduct a study on best practices for teleworking and the use of an alternative work schedule for State employees and submit a report of its findings and recommendations to the legislature prior to the regular session of 2022.

We wish to inform you that OP is undertaking a project known as *Work Where You Live*, in coordination with the State Department of Human Resources Development (DHRD), Office of Enterprise Technology Services (ETS), as well as jointly with the City and County of Honolulu's Departments of Transportation Services (DTS), Human Resources, and Information Technology. The purpose of the project is to survey State and City workers on Oahu on their current teleworking experience and to develop recommendations to improve State and City telework policies. The project will also review telecommuting and telework best practices from other governmental jurisdictions that may be implemented in Hawaii. Funding has been provided from the City DTS with approval of the Oahu Metropolitan Planning Organization. The project is expected to get underway this month and should be completed by Fall of this year.

The implementation of an effective telework policy would enhance the recruitment and retention of employees, including helping to relieve the burden on employees who are caregivers, assist efforts to reduce commute times, vehicle miles traveled, traffic congestion, office space needs, and improve quality of life. There is also a potential long-term impact on transportation infrastructure costs and reducing greenhouse gas emissions.

Thank you for this opportunity to testify.

DAVID Y. IGE
GOVERNOR



LATE

STACEY A. ALDRICH
STATE LIBRARIAN

STATE OF HAWAII
HAWAII STATE PUBLIC LIBRARY SYSTEM
OFFICE OF THE STATE LIBRARIAN
44 MERCHANT STREET
HONOLULU, HAWAII 96813

SENATE COMMITTEE ON EDUCATION
Tuesday, February 10, 2021
2:00 pm
Via Video Conference, State Capitol Room 325

By Stacey A. Aldrich
State Librarian

H.B. 567, H.D. 1 RELATING TO EMPLOYMENT

To: Chair Mark Nakashima
Vice Chair Scot Matayoshi
Members of the House Committee on Judiciary and Hawaiian Affairs

The Hawaii State Public Library System (HSPLS) appreciates the opportunity to provide comments regarding House Bill 567 H.D. 1, requiring the Legislative Reference Bureau to conduct a study on telework and the use of alternative work schedules for state employees.

HSPLS recognizes the benefits and efficiencies of telework and alternate work schedules and believe a study of best practices is prudent prior to implementing any change in employment policies.

Our mission requires that a substantial majority of HSPLS employees serve the public in person. In many instances, telework or use of alternate work schedules would substantially reduce the number of public service hours HSPLS could provide to the public statewide, as each library branch has limited staffing and almost all libraries are understaffed. In the case of some of our smallest libraries on the neighbor islands, imposition of telework or alternate work schedules would effectively close the library to the public.

Overall, we have concerns that mandated telework and use of alternate work schedules would hamper a community's access to the public library system and its resources, at a time when we have seen a substantial increase in usage by the public.

Thank you for the opportunity to provide comments on this measure and the Committee's continued support of the Hawaii State Public Library System.

HB-567-HD-1

Submitted on: 2/10/2021 11:06:39 AM

Testimony for JHA on 2/10/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Aaron Setogawa	Office of Planning	Comments	No

Comments:

I will be available for questions.

COUNTY COUNCIL

Arryl Kaneshiro, Chair
Mason K. Chock, Vice Chair
Bernard P. Carvalho, Jr.
Felicia Cowden
Bill DeCosta
Luke A. Evslin
KipuKai Kualii



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Scott K. Sato, Deputy County Clerk

Telephone: (808) 241-4188
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E-mail: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawaii 96766

February 8, 2021

**TESTIMONY OF FELICIA COWDEN,
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON
HB 567, HD1, RELATING TO EMPLOYMENT
House Committee on Judiciary & Hawaiian Affairs
Wednesday, February 10, 2021
2:00 p.m.
Via Videoconference
Conference Room 325**

Dear Chair Nakashima and Members of the Committee:

Thank you for this opportunity to provide testimony in support of HB 567, HD 1 Relating to Employment. My testimony is submitted in my individual capacity as a Member of the Kaua'i County Council.

I SUPPORT the direction of HB 567, HD1 to offer a telework or alternative work schedule for government staff, where appropriate, beyond the pandemic. COVID-19 has given us the opportunity to experience that some work loads are actually more effectively addressed by teleworking employees. Benefits extend beyond how it helps the balance of family and work life for our government team. There is a reduction in road traffic, energy use, travel budgets, and constraints on office space. Ideally, government and business will find ways to carry some of the new-found strengths of remote work combined with an in-office presence, as we return to direct public interface.

Thank you again for this opportunity to provide testimony. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via E-mail to cokcouncil@kauai.gov.

Sincerely,

FELICIA COWDEN
Councilmember, Kaua'i County Council



Planned Parenthood Votes Northwest and Hawai'i

To: Hawai'i State House of Representatives Committee on Labor and Tourism
Hearing Date/Time: Tues., Feb. 10, 2021, 2:00 pm
Place: Hawai'i State Capitol, Rm. 325
Re: Testimony of Planned Parenthood Votes Northwest and Hawai'i in support of HB 567, HD1

Dear Chair Nakashima and Members of the Committee,

Planned Parenthood Votes Northwest and Hawai'i ("PPVNH") writes in support of HB 567, HD1.

Caregiving is essential, especially during the COVID-19 pandemic. Since the 1960s, women's roles have expanded (paid worker role and family caregiver role) rather than shifted (paid worker role).

The State of Hawai'i's Telework Program Guidelines dated June 2, 2010 state that "teleworkers may not undertake to provide primary care during work hours for a child or children, elderly, ill or disabled person or a person who requires significant care." Currently, this is the State's controlling telework policy. For example, DOH cautioned management on July 17, 2020 that "telework may not be used to replace arrangements for dependent care."

Telework is a lifeline for parents and women in particular, who are expected to offset disruptions to schools and daycare providers during the COVID-19 pandemic. At present, the availability of in-person learning varies depending on location, and students have not been universally phased back to classrooms in Hawai'i (K-2nd grade have F2F priority). The States needs someone to watch and protect children amid reduced school and childcare supervision.

Historically, being a worker and a parent has not been a problem until women began to enter the workforce. This is because care of children and home falls on women. Restrictive "traditional" workplace policies are based on the outdated ideas that unemployed wives or older women will look after the home and children.

Men suffer more negative consequences and social stigma than women for gender role violations (e.g., asking a boss for telework to watch children), which discourages men from caregiving and forces the burden on women. Women were more likely to interrupt career to care for family members prior to the pandemic ([Pew Research Center](#), 2015).

Telework could correct a worsening gender pay gap. The explicit prohibition on telework for caregiving is an example of overt sexism in the workplace. Women are forced to expend all of their sick and vacation days, then take leave without pay (LWOP) for caregiving. This negatively impacts women's economic security and career mobility because affects employment, years of services, and ultimately retirement pension.

Over 50% of executive branch employees are women. According to Department of Human Resources and Development, [Executive Branch Workforce Profiles](#), fiscal year ending June 30 2020:

- Some of the most impacted departments have the highest percentage of female workers:
 - DHS 71%
 - DOH 66%
 - DLIR 67%

63% of children had [all available parents](#) in the workforce (Estimate includes children in two-parent families where both parents are in the workforce, and children in single-parent families where the single parent is in the workforce).

1 in 4 women considered reducing working hours or [leaving the workforce](#) during the COVID-19 pandemic. Flexibility in hours and telecommuting can strengthen workplace equity, retain workers, and keep children safe.

Federal emergency family leave was largely symbolic, temporary, and not accessible to many workers facing the childcare crisis. Telework is not an anodyne to the caregiving crisis but a stint to enable women's participation in the paid workforce.

Thank you for this opportunity to testify in support of this important legislation.

Sincerely,
Laurie Field
Hawai'i State Director



of Hawaii

To: Hawaii State House Committee on Judiciary and Hawaiian Affairs

Hearing Date/Time: Wednesday February 10, 2PM

Place: Hawaii State Capitol, Room 325

Re: Testimony in SUPPORT of H.B. 567 HD1

Dear Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee,

Members of AAUW of Hawaii are grateful for this opportunity to testify in support of H.B. 567 HD1, which would require the legislative reference bureau to conduct a study on telework and the use of alternative work schedules for state employees.

We request for an amendment for all state departments to adopt emergency telework policies as set forth by the interim guidance issues in March 2020 by the Department of Human Resources Development, which permits teleworking while caregiving for state department employees, until the Governor declares the public health emergency no longer exists.

As the largest employer in Hawaii, it would be prudent for State of Hawaii to establish a telework and alternative work schedule policies, tools, and support resources based on best practices which can then potentially be a model for other employers in Hawaii.

The American Association of University Women (AAUW) of Hawaii is a state-wide organization made up of six branches (Hilo, Honolulu, Kauai, Kona, Maui, and Windward Oahu), and over 3800 members and supporters statewide. As advocates for gender equity, AAUW of Hawaii promotes the economic, social, and physical well-being of all persons.

Please pass this important measure, especially for the working parents. Mahalo.

A handwritten signature in blue ink, appearing to read 'Younghee Overly', is written in a cursive style.

Younghee Overly

Public Policy Chair, AAUW of Hawaii



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 Nakashima, Chair
Representative Matayoshi, Vice Chair
House Committee on Judiciary & Hawaiian

Re: **HB 567 HD1- Relating to Employment**
Hawai'i State Capitol, Room 325
2:00 PM, February 10, 2021

Chair Nakashima, Vice Chair Matayoshi, and committee members,

On behalf of HCAN Speaks!, thank you for the opportunity to testify in **support of House Bill 567 HD1** with a suggested amendment. We are grateful for the support from the Departments and hear the concerns of the Department of Human Resources Development and HGEA. We propose the following amendment to HB 567 HD1:

SECTION 3. Each state department and agency shall cooperate with the legislative reference bureau in providing the information and data necessary to conduct the study.

SECTION 4. The legislative reference bureau shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2022.

SECTION 5. Upon declaration of a public health emergency by the Governor, all state departments shall adopt emergency telework policies as set forth by the interim guidance issued in March 2020 by the Department of Human Resources Development, which permits teleworking while caregiving for state department employees, until the Governor declares the public health emergency no longer exists.

SECTION 6. This Act shall take effect upon its approval.

Last March, many state departments quickly pivoted to allow employees to telework. As child care and schools closed, employees (both state and private) grappled with how they could make caregiving and working work. We know now that women took on additional duties, increasing their caregiving responsibilities and taking on remote learning.¹ At the state level, working parents and their fellow employees adapted to telework and kept critical state government services functioning.

¹ New York Times, May 2020, Nearly Half of Men Say They Do Most of the Home Schooling. 3 Percent of Women Agree,

<https://www.nytimes.com/2020/05/06/upshot/pandemic-chores-homeschooling-gender.html>



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

While not every state employee is eligible for telework, instead of reverting back to previous state workplace policies, the state should expand their telework options.

According to the Hawaii State Department of Commerce and Consumer Affairs, telework has many benefits², including:

- Lessen traffic congestion and reduce greenhouse gas emissions;
- Provide job flexibility to improve the quality of work-life of employees and to recruit and retain workers, including experienced, post-retirement age workers, who require or desire flexible work conditions;
- Decrease commute time, expense, and stress to improve quality of work-life for employees;
- Increase job opportunities through workplace flexibility for specific populations that might not be able to work otherwise, such as persons with disabilities, new mothers, and persons responsible for dependent care; and
- Reduce office and energy costs.

Flexibility in hours and telecommuting can increase workplace equity. Women have left the workforce in droves since March. Many women have had to leave jobs due to the lack of flexibility and incompatibility with caregiving. A report of over 40,000 employees found 1 in 4 women considering reducing work hours or leaving their job due to caregiving demands because of school and child care closures.³ The gender imbalance of caregiving responsibilities should not cost women their careers. The “motherhood penalty” has existed for decades and is based on the perpetuated belief that employees cannot have dual roles, worker and caregiver.⁴ Hawaii’s executive branch employees are majority women and some of the most impacted departments (Department of Human Services, Department of Health and Department of Labor and Industrial Relations) have the highest percentage of female workers.⁵ At a time when these departments continue to see a greater need for their services, losing the workforce to outdated workplace policies would be a misstep.

To recover from the impact of the pandemic, we need to forge new ways for work. Supporting working moms to stay in the workforce benefits their families and the state. Leaving the workforce due to inability to both caregive and work will only slow the economic recovery, not to mention the detrimental effects on the family and child development. For these reasons, we ask that the committee pass HB 567 HD1 with the proposed amendments.

Thank you,
Kathleen Algire
Director of Early Learning and Health Policy

² <https://cca.hawaii.gov/broadband/telework-resources/>

³ McKinsey and Co, Sept. 2020, *Women in the Workplace 2020*, <https://womenintheworkplace.com/>

⁴ American Association of University Women, 2019, https://ww3.aauw.org/aauw_check/files/2016/02/Simple-Truth-Update-2019_v2-002.pdf

⁵ Department of Human Resources and Development, Executive Branch Workforce Profiles, fiscal year ending June 30 2020, <https://dhrd.hawaii.gov/wp-content/uploads/2020/12/Executive-Branch-Workforce-Profile-Fiscal-Year-Ended-June-30-2020-1.pdf>



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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The Thirty-First Legislature, State of Hawaii
House of Representatives
Committee on Judiciary and Hawaiian Affairs

Testimony by
Hawaii Government Employees Association

February 10, 2021

H.B. 567, H.D. 1 – RELATING TO EMPLOYMENT

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the concept of telework for willing and able state employees and conceptually supports the intent of H.B. 567, H.D. 1 requires the legislative reference bureau to conduct a study on telework and the use of alternative work schedules for state employees. However, we stress that since telework and alternative schedules significantly impact an employee's condition of employment, the terms must be negotiated and mutually agreed upon.

Telework and alternative work schedules are innovative solutions that ensure workplace flexibility and we fully recognize the many benefits they can have on employees, the employer, and the public, including a better work-life balance, increased productivity, and possible cost-savings from reduced energy and office space use. Workplace flexibility can also be utilized as a tool to help the employer recruit and retain the best and brightest employees, where government salary and benefits alone may not compete with what is offered in the private sector. While the current draft of H.B. 567 directs the LRB to conduct a comprehensive study on telework, we must insist that any changes to an included employee's wages, hours, and terms and conditions of work are constitutionally protected and must be negotiated and mutually agreed upon prior to implementation. Lastly, during the COVID-19 worldwide pandemic, there was little guidance provided on how to transition the workforce to telework which caused chaos and confusion for our members. Therefore, we find it appropriate for the study to uniformly identify and justify broad categories of positions determined to be ineligible for telework or alternative work schedules.

Thank you for the opportunity to testify on H.B. 567, H.D. 1.

Respectfully submitted,

Randy Perreira
Executive Director

HB-567-HD-1

Submitted on: 2/8/2021 1:55:36 PM

Testimony for JHA on 2/10/2021 2:00:00 PM

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

Comments:

Aloha Chair,

This bill is vital to protecting the workforce under the pandemic, most especially women who are the main source of caregiving for their families.

Please pass,

Mahalo, Ann S. Freed

HB-567-HD-1

Submitted on: 2/9/2021 8:43:10 AM

Testimony for JHA on 2/10/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tami Whitney	Individual	Support	No

Comments:

I respectfully request that you support and pass HB567 HD1. As a single mother, public health professional, and state employee, I experienced the effectiveness of telework options during COVID-19. Although I was and continue to be supported, other single or married mothers/caregivers employed by the state were unfairly forced to take leave due to lack of child- elder- care.

Please take the initiative and pass this measure to ensure that our working mother's and caregivers have viable options in the workplace to continue to provide for our children and make meaningful contributions to our community.

Thank you,

Tami Whitney

LATE

HB-567-HD-1

Submitted on: 2/9/2021 2:51:57 PM

Testimony for JHA on 2/10/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth Hansen	Individual	Support	No

Comments:

I am requesting you to support H.B. 567 HD1, which would require the legislative reference bureau to conduct a study on telework and the use of alternative work schedules for state employees. Please pass this measure for the working parents during this emergency time of COVID 19.

I am supporting the request for an amendment for all state departments to adopt emergency telework policies as set forth by the interim guidance issues in March 2020 by the Department of Human Resources Development, which permits teleworking while caregiving for state department employees, until the Governor declares the public health emergency no longer exists.

As the largest employer in Hawaii, it would be prudent for State of Hawaii to establish a telework and alternative work schedule policies, tools, and support resources based on best practices which can then potentially be a model for other employers in Hawaii.

Mahalo,

Elizabeth Hansen, Hakalau HI 96710

HB-567-HD-1

Submitted on: 2/9/2021 3:18:35 PM

Testimony for JHA on 2/10/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rodger Hansen	Individual	Support	No

Comments:

I am requesting you to support H.B. 567 HD1, which would require the legislative reference bureau to conduct a study on telework and the use of alternative work schedules for state employees. Please pass this measure for the working parents during this emergency time of COVID 19.

Thank you,
Rodger Hansen, Hakalau HI 96710

HB-567-HD-1

Submitted on: 2/10/2021 1:59:20 PM

Testimony for JHA on 2/10/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Becky Gardner	Individual	Support	No

Comments:

I strongly support this bill. I had been a state employee for 15 years. I am a single mom with children 5 years apart and in different schools. In my last position, my request for 45 minute flex-time was denied. When the pandemic hit, my department's tele-work policy would not allow me to work from home when I was also responsible for childcare while DOE schools were closed. The circumstances caused me to take leave without pay. Most of my work can be done remotely. I fell through the cracks. My experience forced me to take legal action against my employer. The settlement required me to resign from a job I loved. I have lots more to contribute to this discussion, and perhaps I can do so when a study is conducted.