

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
www.labor.hawaii.gov

ANNE PERREIRA-
EUSTAQUIO
DIRECTOR

JOANN A. VIDINHAR
DEPUTY

March 18, 2021

To: The Honorable Richard H. K. Onishi, Chair,
The Honorable Jackson D. Sayama, Vice Chair, and
Members of the House Committee on Labor & Tourism

Date: Thursday, March 18, 2021
Time: 9:00 a.m.
Place: Conference Room 312, State Capitol

From: Anne Perreira-Eustaquio, Director
Department of Labor and Industrial Relations (DLIR)

Re: H.C.R. No. 104/H.R. 86 REQUESTING THE DIRECTOR OF LABOR AND INDUSTRIAL RELATIONS TO CONVENE A TASK FORCE TO STUDY, DESIGN, AND DEVELOP A PAID FAMILY LEAVE PILOT PROGRAM

I. OVERVIEW OF PROPOSED LEGISLATION

HCR104 requests the DLIR to convene a task force to study, design, and develop a Paid Family Leave Pilot Program (PFL Pilot Program) with coverage limited to certain employers and employees to be established and implemented by the DLIR as a trial program that could be expanded to cover all public and private sector workers in the State. The task force is to submit a report to the Legislature no later than twenty days prior to the convening of the 2023 Legislature describing the progress made by the task force and its findings and recommendations, including proposed legislation.

The report is to include:

- Data on the amount of leave taken or, if there is no data, the amount of leave deemed generally necessary by health care providers for qualifying reasons that not based on the serious health condition of the employee or the employee's family members;
- Identification of issues related to the establishment and implementation of the PFL Pilot Program;
- Impacts and estimated costs of establishing and implementing the PFL Pilot Program;
- The opportunities and challenges of expanding the PFL Pilot Program to the State's entire workforce; and
- Recommendations for the basic structure of the PFL Pilot Program.

These recommendations include:

- Coverage of employers such as industry sectors and geographic regions;
- Eligibility criteria for employees, such as a minimum amount of time worked, or earnings achieved;
- Benefit amounts and wage replacement ratio;
- Length of leave including the maximum weeks of leave, for bonding and family caregiving;
- Qualifying events;
- Covered family relationships;
- Whether to provide job protection;
- Interaction with the State’s Temporary Disability Insurance (TDI) program; and
- The administrative structure and claims management.

The DLIR offers comments on this resolution.

II. CURRENT LAW

Chapter 398, Hawaii Revised Statutes (HRS), requires employers with one hundred or more employees to provide certain employees with up to four weeks of unpaid job-protected leave when the employee has a qualifying reason such as birth or adoption of a child or to care for a child, spouse, reciprocal beneficiary, sibling, grandchild, or parent with a serious health condition.

Chapter 392, HRS, requires employers to provide wage replacement, known as Temporary Disability Insurance, to qualifying employees who are unable to work due to the employee’s illness or injury that is not related to work.

III. COMMENTS ON THE HOUSE CONCURRENT RESOLUTION

The Legislature has considered various bills related to paid family leave over numerous sessions and has received testimonies from parties that feel strongly whether paid family leave should be required, the program parameters, and the best format for the program. The DLIR recognizes these competing and divergent interests the members of the taskforce represent will severely impede progress that can be made towards establishing the PFL Pilot Program.

The DLIR therefore recommends the Resolution identify the goal and objectives of the PFL Pilot Program. Objectives that identify the targeted population, the level of economic security to be provided, and the length of time the population is to be supported will allow the Task Force to move past the contentious issues and interests its members bring to the table, and will allow them to identify and report on the impacts, costs, issues, opportunities, and challenges related to the implementation and possible expansion of the particular program being proposed by the Legislature.

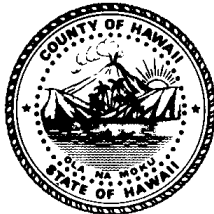
To carry out the provisions of this resolution, the DLIR will require the following dedicated personnel and funds (\$304,736) to support the Task Force:

- A Chairperson (EM-8, \$111,072 - \$184,908) to serve as the chairperson;
- A Temporary Disability Insurance Specialist (SR-24, \$62,136) and a Labor Law Enforcement Specialist (SR-24, \$62,136) to provide program support; and
- Two clerical support staff (SR-10, \$70,392) to provide clerical support.

HEATHER L. KIMBALL

Council Member

*Chair, Committee on Governmental Operations,
Relations and Economic Development
Council District 1*



Contact Information

(808) 961-8828

(808) 961-8018 (staff)

heather.kimball@hawaiiicounty.gov

HAWAI'I COUNTY COUNCIL

*County of Hawai'i
Hawai'i County Building
25 Aupuni Street, Suite 1402
Hilo, Hawai'i 96720*

March 17, 2021

House Committee on Labor & Tourism

Representative Richard H.K. Onishi

Representative Jackson D. Sayama

RE: SUPPORT of HCR 104/HR 86 relating to Paid Family Leave

Aloha Chair Onishi, Vice-Chair Sayama and Esteemed Members of LAT,

I am writing to express my SUPPORT for House Concurrent Resolution 104 and House Resolution 86, both pertaining to paid family leave. Paid family leave increases the health, economic security and general welfare of working parents and their families. For instance, without the ability to take time off of work to care for family members, parents are forced to make a choice between being fired from their jobs, having a sick child go uncared for at home alone or sending their sick child to school or day care and potentially infecting others. The COVID-19 pandemic has highlighted the consequences of a system that does not fully support working families.

Although HCR 104 and HR 86 are not paid family leave bills, they are nonetheless important steps towards figuring out a system of support that will work for Hawai'i and I urge you to pass these resolutions.

Thank you for recognizing the importance of paid family leave in strengthening and supporting working families and our economy.

Mahalo nui loa,

A handwritten signature in cursive script that reads "Heather L. Kimball".

Heather L. Kimball

Hawai'i County Council, District 1

HCR-104

Submitted on: 3/16/2021 10:47:32 AM

Testimony for LAT on 3/18/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Pride at Work - Hawaii	Pride @ Work - Hawaii	Support	No

Comments:

Aloha Senators,

Pride at Work - Hawai'i, the state-wide chapter of Pride At Work (a constituency group of the national AFL-CIO) and an affiliate of the Hawai'i State AFL-CIO, fully supports HCR 104.

Mahalo nui loa,

Pride at Work - Hawai'i

HCR-104

Submitted on: 3/16/2021 10:50:02 AM

Testimony for LAT on 3/18/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	LGBT Caucus of the Democratic Party of Hawaii	Support	No

Comments:

Aloha Representatives,

The LGBT Caucus of the Democratic Party of Hawai'i, Hawaii's oldest and largest policy and political LGBTQIA+ focused organization, fully supports HCR 104.

Mahalo nui loa for your time and consideration,

Michael Golojuch, Jr.

Chair

LGBT Caucus of the Democratic Party of Hawai'i

HCR-104

Submitted on: 3/16/2021 1:40:47 PM

Testimony for LAT on 3/18/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Younghi Overly	AAUW of Hawaii	Support	No

Comments:

Members of AAUW of Hawaii appreciate this opportunity to testify in support of HCR104 which would ask the Director of Labor and Industrial Relations to convene a task force to study, design, and develop a paid family leave pilot program.

Mahalo to Chair Onishi for introducing this resolution, for including community advocacy organizations in the task force, and AAUW of Hawaii recommends that Hawaii Women's Coalition be included in the task force. The Hawai'i Women's Coalition is a catalyst for progressive, social, economic and political change through action on critical issues facing Hawaii's women and girls. Membership currently include 29 organizations and agencies (private, public, membership) as well as individuals. The coalition encourages the inclusion of interested parties and in achieving equitable representation.

According to Aloha United Way, more than half of Hawaii households are struggling to afford basic needs. If these families can barely make ends meet while working full-time, there is no way they could survive without pay. Without paid family leave, many workers will be forced to decide between taking care of a sick keiki or kupuna or livelihood. AAUW works toward greater availability of and access to a high standard of benefits and policies that promote work-life balance including family leave. Without these policies, balancing the responsibilities of work and family can be difficult for employees, negatively impacting productivity, engagement, and wellness. Mahalo again for starting us on the path of paid family leave.

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.

Younghee Overly, Public Policy Chair, AAUW of Hawaii

HCR-104

Submitted on: 3/16/2021 3:08:23 PM

Testimony for LAT on 3/18/2021 9:00:00 AM

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

Comments:

Planned Parenthood Votes Northwest and Hawaii supports HCR104. Thank you!



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: House Committee on Labor & Tourism

Re: **HCR 104 / HR 86 – Requesting the Director of Labor and Industrial Relations to convene a task force on paid family leave**

Hawai'i State Capitol, via videoconference, room 312

March 18, 2021, 9:00 AM

Dear Chair Onishi, Vice Chair Sayama, and committee members,

On behalf of Hawai'i Children's Action Network Speaks!, I am writing in SUPPORT of HCR 104 / HR 86. These resolutions request the Director of Labor and Industrial Relations to convene a task force to study, design, and develop a paid family leave pilot program.

The United States is the only OECD nation that does not provide paid family leave for its working population.¹ To fill that gap, in just the last five years, six states and the District of Columbia have passed paid family leave laws.² While we would prefer that Hawai'i join them and also pass a paid family leave law, these resolutions represent progress towards that goal.

These resolutions refer to the Legislative Reference Bureau's 2019 *Paid Family Leave Program Impact Study*, specify the membership of the task force, set a deadline to issue a report, and request that the task force's report include information such as the amount of leave generally taken, recommendations for the structure of the pilot program, estimated costs, and proposed legislation.

Please note that in late 2017, a **comprehensive Hawai'i State Paid Family Leave Analysis Grant Report³ was published that already answers most of the questions that the task force would be asked to consider.** This report was funded by a grant issued to the Hawai'i State Commission on the Status of Women by the U.S. Department of Labor's Women's Bureau. Hawai'i Children's Action Network helped issue the report as well.

The 2017 report includes detailed Hawai'i-specific usage, cost, and administration analyses by national paid family leave experts. In fact, one of the experts spent several weeks in Hawai'i in 2017, visiting state department offices to examine our computer systems and determine the best way to administer such a program in Hawai'i.

Not surprisingly, the 2017 report and some of its authors' other paid family leave research are cited in the 2019 LRB study. **We recommend that the legislature also draw upon the Hawai'i-specific data and analysis in the impressive 2017 report,** as you move towards developing a paid family leave program in Hawai'i.

Thank you,
Nicole Woo, Director of Research and Economic Policy

¹ <https://www.pewresearch.org/fact-tank/2019/12/16/u-s-lacks-mandated-paid-parental-leave/>

² <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/state-paid-family-leave-laws.pdf>

³ https://www.capitol.hawaii.gov/CommitteeFiles/senate/LBR/LBRfiles/DOL_Hawaii-State-Paid-Family-Learn-Analysis-Grant-Report.pdf



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

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

The Thirty-First Legislature, State of Hawaii
House of Representatives
Committee on Labor and Tourism

Testimony by
Hawaii Government Employees Association

March 18, 2021

H.C.R. 104/H.R. 86 – REQUESTING THE DIRECTOR OF LABOR
AND INDUSTRIAL RELATIONS TO CONVENE A TASK FORCE TO STUDY, DESIGN,
AND DEVELOP A PAID FAMILY LEAVE PILOT PROGRAM

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of H.C.R. 104 and H.R. 86 which requests the Director of the Department of Labor and Industrial Relations to convene a task force to study, design, and develop a paid family leave pilot program. We appreciate the inclusion of two representatives from public sector labor organizations to the task force.

It is commonly accepted knowledge that most workers in Hawaii will utilize family leave at some point in their careers to provide much needed care for a loved one. While we have historically supported the passage of a paid family leave program and recognize that it is long overdue, we must prioritize a thoughtful and systematic approach in the program's creation and implementation. Across the country, nine states and the District of Columbia have enacted paid family and medical leave laws, yet no two paid family leave models are identical. We must collectively consider Hawai'i's existing benefit structures and systems to best formulate a plan that is unique to our state. Although the Legislative Reference Bureau issued a Paid Family Leave Program Impact Study in December 2019, it was limited to providing estimated costs and staffing requirements and did not address a variety of policy issues including benefit amounts and wage replacement ratios, appropriate length of leave, and eligibility. The creation of a Task Force is a steadfast solution that ensures all of the stakeholders have a seat at the table to consider the intricacies and launch a pilot program for a paid family leave program that could be expanded to cover all public and private sector workers in Hawai'i.

Thank you for the opportunity to testify in strong support of H.C.R. 104 and H.R. 86.

Respectfully submitted,

Randy Perreira
Executive Director



**Testimony to the House Committee on Labor & Tourism
Thursday, March 18, 2021 at 9:00 A.M.
Written Testimony**

**RE: HCR 104 / HR 86, REQUESTING THE DIRECTOR OF LABOR AND INDUSTRIAL
RELATIONS TO CONVENE A TASK FORCE TO STUDY, DESIGN, AND DEVELOP A
PAID FAMILY LEAVE PILOT PROGRAM.**

Chair Onishi, Vice-Chair Sayama, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **offers comments** on HCR 104 and HR 86.

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 impact study¹ on paid family leave released in November 2019 and revised in December 2019 brought to light concerns on what exactly a possible paid family leave program in Hawaii would look like and cost. As abbreviated in HCR 104 and HR 86, establishing a program is estimated to reflect "start-up" costs for only the administrative system.

However, it lacks estimated costs that would be imposed on employers and businesses, depending on which model the state adopts. The "start-up" costs do not reflect the actual benefits and the primary driver of differences between state modeled claims cost funding levels is the maximum number of weeks of benefit under each state program which could run into tens of millions of dollars on the backs of businesses and employers.

Finally, it is also important to note that many businesses offer paid leave programs as a means for attracting and retaining their workforce. 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.

Thank you for the opportunity to offer testimony.

¹ https://lrb.hawaii.gov/wp-content/uploads/2019_PaidFamilyLeaveProgramImpactStudy.pdf



House Committee on Labor & Tourism

Representative Richard H.K. Onishi, Chair
Representative Jackson D. Sayama, Vice Chair
Thursday, March 18, 2021 at 9:00 A.M.
Written Testimony

RE: HCR 104 / HR 86, REQUESTING THE DIRECTOR OF LABOR AND INDUSTRIAL RELATIONS TO CONVENE A TASK FORCE TO STUDY, DESIGN, AND DEVELOP A PAID FAMILY LEAVE PILOT PROGRAM.

Chair Onishi, Vice Chair Sayama, and Members of the Committee:

The Society for Human Resource Management (SHRM) Hawaii **offers comments with suggested amendments** on HCR 104 and HR 86.

SHRM Hawaii serves and represents nearly 600 members and employers' statewide and human resource management is a critical component to the success and survival of the many businesses that make up our local economy. HR professionals are responsible for evaluating and balancing the needs of both the employers and employees and caring for businesses' most valuable asset: the working people of our state.

SHRM Hawaii respectfully requests a representative of an employer organizations such as the Society of Human Resource Management Hawaii. A representative of an employer organization would offer valuable insights into human resource compliance, internal systems, and processes to help shape the objectives and goals of the resolution.

Thank you for the opportunity to offer testimony.

Kalani Morse
Legislative Affairs Committee Co-Chair

Dailyn Yanagida
Legislative Affairs Committee Co-Chair





HIPHI Board

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Molokai Community Health
Center*

*Keawe'aimoku
Kaholokula, PhD
John A. Burns School of
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*Mark Levin, JD
William S. Richardson School
of Law*

*Rachel Novotny, PhD, RDN, LD
University of Hawai'i at
Mānoa, College of Tropical
Agriculture and Human
Resources*

*May Okihiro, MD, MS
John A. Burns School of
Medicine, Department of
Pediatrics*

*Misty Pacheco, DrPH
University of Hawai'i at Hilo,
Department of Kinesiology and
Exercise Sciences*

*Garret Sugai
Kaiser Permanente*

Date: March 17, 2021

To: Representative Richard H.K. Onishi, Chair
Representative Jackson D. Sayama, Vice Chair
Members of the Labor and Tourism Committee

Re: Support for HCR 104/HR 86, Requesting the Director of Labor and Industrial Relations to Convene a Task Force to Study, Design, and Develop a Paid Family Leave Pilot Program.

Hrg: February 18, 2021 at 9:00 AM via videoconference

The Obesity Prevention Task Force, convened by the Hawai'i Public Health Institute,ⁱ is in **Support of HCR 104/HR 86**, which requests the Director of the Department of Labor and Industrial Relations (DLIR) to convene a task force to study, design, and develop a paid family leave pilot program.

We appreciate the intent of the resolution, but it is time for Hawai'i to pass a strong family leave insurance program. In Hawai'i, working families cannot afford to take unpaid leave to cover their caretaking needs. Paid family leave will offer both economic stability and job security if an employee needs to take family leave, whether it be to care for a newborn, newly adopted or foster child, or an ill family member. Nine states and Washington, D.C. have passed similar legislation providing partial wage replacement for family and medical leave purposes.

Paid time off for families to care for a newborn also helps to establish a foundation in breastfeeding. Infant feeding practices can greatly affect later growth and development and can be a protective factor against obesityⁱⁱ. The American Academy of Pediatrics and the World Health Organization recommend exclusive breastfeeding for the first six months of life and continued breastfeeding with the addition of other foods until a child is at least twelve months of ageⁱⁱⁱ.

"A robust body of evidence suggests that breastfeeding has multiple health benefits for infants, and that paid family leave (and other forms of maternity leave) significantly increases the length of time that mothers breastfeed. In a review and analysis of studies of breastfeeding in developed countries, the U.S. Agency for Healthcare Research and Quality found that full-term infants fed formula are at substantially greater risk

than breastfed infants for acute ear infection, eczema, gastrointestinal infection, hospitalization for lower respiratory tract diseases in the first year of life, asthma, childhood obesity, Type 2 diabetes, leukemia, and sudden infant death syndrome (SIDS).^{iv}”

Thank you for the opportunity to provide testimony.

Mahalo,



Jessica Yamauchi, MA
Executive Director

ⁱ Created by the legislature in 2012, the Obesity Prevention Task Force is comprised of over 60 statewide organizations, and works to make recommendations to reshape Hawai'i's school, work, community, and health care environments, making healthier lifestyles obtainable for all Hawai'i residents. The Hawai'i Public Health Institute (HIPHI) convenes the Task Force and supports and promotes policy efforts to create a healthy Hawai'i.

Hawai'i Public Health Institute is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.

ⁱⁱ S. Arenz et al., Breast-feeding and childhood obesity - a systematic review, 28(10) International Journal of Obesity and Related Metabolic Disorders 1247-56 (2004).

ⁱⁱⁱ American Academy of Pediatrics, AAP Reaffirms Breastfeeding Guidelines, <https://www.aap.org/en-us/about-the-aap/aap-press-room/pages/AAP-Reaffirms-Breastfeeding-Guidelines.aspx> (last updated February 27, 2012).

^{iv} http://www.nccp.org/publications/pdf/text_1059.pdf

HCR-104

Submitted on: 3/17/2021 1:14:00 PM

Testimony for LAT on 3/18/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Bilyk	Breastfeeding Hawaii	Support	No

Comments:

Breastfeeding Hawai
PO Box 4270
Kane'ohe, Hawaii 96744

www.breastfeedinghawaii.org

TO: Rep. Onishi, Chair and Members of the House Committee on Labor and Tourism

Date: March 18, 2021 9am

RE: HCR 104/HR 86 Requesting the Director of Labor and Industrial Relations to Convene a Task Force to Study, Design, and Develop a Paid Family Leave Pilot Program

I am Patricia Bilyk, an APRN and Board Member representing Breastfeeding Hawaii today.

Breastfeeding Hawaii Strongly Supports HCR 104/HR 86 to convene a government and community Task Force to create a Paid Family Leave Pilot Program in the State of Hawaii.

We look forward to participate with those in our Women's Advocacy Organization to help develop this much needed Program.

Thank you for putting forth this resolution which continues the conversation to create a Paid Family Leave Pilot Program in our State. We encourage this Committee to pass this resolution out of committee.

Patricia L. Bilyk, APRN, MPH, MSN

Hawaii
Holding Power Accountable

Statement Before The
HOUSE COMMITTEE ON LABOR & TOURISM
Thursday, March 18, 2021
9:00 AM
Videoconference and Conference Room 312

in consideration of
HCR 104 / HR 86
**REQUESTING THE DIRECTOR OF LABOR AND INDUSTRIAL RELATIONS TO CONVENE A TASK FORCE TO STUDY,
DESIGN, AND DEVELOP A PAID FAMILY LEAVE PILOT PROGRAM.**

Chair ONISHI, Vice Chair SAYAMA, and Members of the House Labor & Tourism Committee

Common Cause Hawaii provides comments in support of HCR 104 / HR 86, requesting the director of labor and industrial relations to convene a task force to study, design, and develop a paid family leave pilot program.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening democracy - one that works for everyone.

Common Cause Hawaii understands that childcare and vital dependent family care are a significant financial hardship for a significant portion of Hawaii's working population. When every employee has access to paid family leave, then benefits will flow to families, communities, and our state as a whole. Democracy cannot thrive, if people must choose between earning a wage (and sometimes not even a living wage) or caring for a loved one; this is simply not a choice.

Thank you for the opportunity to comment in support of HCR 104 / HR 86. If you have further questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii