

‘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 SB830 SD1
March 2, 2021

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and Honorable Members,

The Hawai‘i State Commission on the Status of Women (CSW) writes in **support** of SB830 SD1 with amendments.

According to the National Women’s Law Center, the COVID-19 pandemic has had a disastrous effect on working women. Women have had to shoulder the caregiving crisis from school and daycare closures. President Joe Biden recently described the exodus of mothers from the workforce during the pandemic as a national emergency.

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.” Although a better, temporary policy is in effect, it is insufficient. Confusion and outright opposition to telework while caregiving exists across government departments. Telework is an optional program. Each department can make telework decisions without following a set standard. For example, DOH cautioned management on July 17, 2020 that “telework may not be used to replace arrangements for dependent care” and this caused confusion requiring corrective action.

While union negotiations are underway and we respect negotiability on this issue, there is no guarantee that an amendment to the problematic 2010 telework policy will be given priority. The crisis of gender inequality is too serious to risk leaving unresolved.

SB830 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.

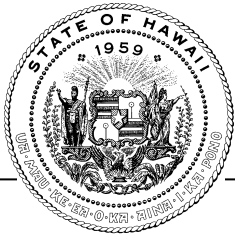
To ensure women are protected as we await the working groups’ conclusions, we request the following amendment:

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.

Accordingly, the Commission respectfully urges the Committee to pass SB830 SD1 with the requested amendment.

Sincerely,

Khara Jabola-Carolus



OFFICE OF PLANNING STATE OF HAWAII

DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
DIRECTOR
OFFICE OF PLANNING

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Statement of
MARY ALICE EVANS
Director, Office of Planning
before the
SENATE COMMITTEE ON WAYS AND MEANS
Thursday, March 4, 2021
10:00 AM
State Capitol, Conference Room via Videoconference

in consideration of
SB 830, SD1
RELATING TO EMPLOYMENT.

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Senate Committee on Ways and Means:

The Office of Planning (OP) **supports** SB 830, SD1 that directs the Department of Human Resources Development to convene a working group of stakeholders to update and create policies and procedures relating telework and alternative work schedules and submit a report on its proposed telework and alternative work schedule policies and procedures to the Legislature prior to the convening of the regular session of 2022.

As noted in the Bill, 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 Work Where You Live study will provide empirical and statistical data on the current State government teleworking experience and teleworking best practices from other jurisdictions that will help facilitate the DHRD working group's efforts.

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 the opportunity to testify.



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

Date: 03/04/2021

Time: 10:00 AM

Location: CR 211 & Videoconference

Committee: Senate Ways and Means

Department: Education

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

Title of Bill: SB 0830, SD1 RELATING TO EMPLOYMENT.

Purpose of Bill: Directs the department of human resources development to convene a working group of stakeholders to update and create policies and procedures relating to telework and alternative work schedules to address the caregiving responsibilities and other needs of state employees and submit a report on its proposed telework and alternative work schedule policies and procedures, including any recommendations on proposed legislation or specific budget requests, to the legislature no later than twenty days prior to the convening of the regular session of 2022. (SD1)

Department's Position:

The Hawaii State Department of Education (Department) supports SB 830, SD1 and is committed to participating as a stakeholder to update and develop best practice policies and procedures for telework and alternative work schedules 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 SB 830, SD1.

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.

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

TESTIMONY TO THE
SENATE COMMITTEE ON WAYS AND MEANS

For Hearing on Thursday, March 4, 2021 at 10:00 a.m.
Conference Room 211 and via video teleconference

By

RYKER WADA
DIRECTOR

Senate Bill 830, Senate Draft 1 – Relating to Employment

CHAIRPERSON DELA CRUZ, VICE CHAIR KEITH-AGARAN AND MEMBERS OF THE
COMMITTEE:

The Department of Human Resources Development (DHRD) **supports the intent** of SB830 SD1 which requires DHRD to convene a working group of stakeholders to update and create policies and procedures relating to telework and alternative work schedules to address the caregiving responsibilities and other needs of state employees and submit a report on its proposed telework and alternative work schedule policies and procedures, including recommendations on proposed legislation or specific budget requests to the legislature no later than twenty days prior to the convening of the regular session of 2022.

We believe that 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 while protecting members of our workforce. We believe that telework is here to stay. As such, DHRD continues to assess the role of telework as part of our "new normal" going forward.

DHRD has partnered with the State's Office of Planning and Enterprise Technology Services, as well as jointly with the City and County of Honolulu's Departments of Transportation Services (DTS), Human Resources, and Information Technology to undertake a project known as "Work Where You Live" that is being funded by the City's DTS with the approval of the Oahu

Metropolitan Planning Organization. The purpose of the project is to survey State and City employees 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 for our workforce.

While DHRD supports the intent of this measure, we continue to stress that telework is most appropriately dealt through the collective bargaining process enumerated in HRS Chapter 89. We look forward to having discussions with vested parties to lay the groundwork in how best to update policies and procedures relating to telework and alternative work schedules that takes into consideration the needs of the state's workforce as well as the operational needs of the departments. With the input we receive through such discussions and through the recommendations of the "Work Where You Live" project, we would be better prepared to come to a consensus on any negotiated agreement on telework and determine whether legislation or funding would be needed to implement the program.

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

SB-830-SD-1

Submitted on: 3/2/2021 11:24:45 AM

Testimony for WAM on 3/4/2021 10:00:00 AM

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

Comments:

Planned Parenthood Votes Northwest and Hawaii support SB 830. 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: Senator Dela Cruz, Chair
Senator Keith-Agaran, Vice Chair
Senate Committee on Ways and Means

Re: **SB 830 SD1 Relating to Employment**
10:00AM, March 4, 2021

Chair Dela Cruz, Vice Chair Keith-Agaran, and committee members,

On behalf of HCAN Speaks!, thank you for the opportunity to testify in **support of Senate Bill 830 SD1**, a bill to encourage Hawaii state departments to adopt telework policies.

Requiring the Department of Human Resources Development to convene a working group of stakeholders to update and create policies and procedures relating to telework and alternative work schedules to address the caregiving responsibilities and other needs of state employees is a slow step in the right direction. We appreciate intent in amending the original bill language to create a workgroup but have concerns that the needs of employees, specifically working mothers, will go unmet until next year. We ask that the original language be restored or that the Department of Human Resources Development not wait until next legislative session to enact new policies.

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. 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;

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>

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



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- 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.

Investing in telework has been a trend for the country and other states for over a decade.⁶ Both the federal government and a handful of states have prioritized telework for the benefits. The executive branch could be a leader in this area and show other local businesses what is possible through a commitment to telework.

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 report favorably on SB 830 SD1 and pass the bill.

Kathleen Algire
Director of Early Learning and Health Policy

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>

⁶ National Conference of State Legislatures, <https://www.ncsl.org/research/labor-and-employment/covid-19-teleworking.aspx>



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
The Senate
Committee on Ways and Means

Testimony by
Hawaii Government Employees Association

March 4, 2021

S.B. 830, S.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 provides comments on the intent of S.B. 830, S.D. 1 which directs the Department of Human Resources Development to convene a working group of stakeholders to update and create policies and procedures relating to telework and alternative work schedules and submit a report to the 2022 Legislature. **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's offered in the private sector.

Although we understand the intent of the measure is to bring stakeholders together, we must insist that any changes to an included bargaining unit employee's wages, hours, and terms and conditions of work are constitutionally protected and must be negotiated and mutually agreed upon prior to implementation. Therefore, regardless of the working group's recommendations to the Legislature or the legislative directives to update the 2010 telework program guidelines and establish policies and procedures, the Employer and the Exclusive Representative must mutually agree upon the provisions of any telework or alternative work week agreement. While rooted with good intent, the creation of a "telework and alternative work schedules policy working group" may hinder, delay, or confuse the negotiations process that is exclusively reserved for the Employer and the Union.

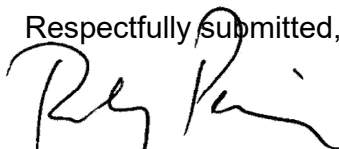
If the Committee proceeds with this measure, to ensure clarity and consistency on the negotiations process, we respectfully request the following five (5) proposed amendments and deletions to the preamble and body of S.B. 830, S.D. 1:

- Proposed Amendment: page 2, line 3
Request deletion of the phrase "have historically been" and replace it with "are" so the sentence reads, "The legislature further finds that issues pertaining to employee working conditions are subject to collective bargaining negotiations..."

- Proposed Deletion: page 3, lines 11 – 16
Request deletion of the sentence, “The legislature believes that there is value in establishing telework and alternative work schedule policies and procedures prior to any collective bargaining agreements regarding teleworking and alternative work schedules between the employer and the exclusive employee representative” as this language does not accurately reflect the negotiability of telework and alternative work week policies
- Proposed Amendments: page 4, line 1; page 4, line 10; and page 4, line 16
Request deletion of the phrase “update and create” throughout page 4 and replace it with “review and make recommendations on” so the sentences read, “Review and make recommendations on policies and procedures relating to telework...,” “review and make recommendations on existing and new policies and procedures...,” “Review and make recommendations on the June 2, 2010, telework program guidelines...,” respectively
- Proposed Deletion: page 5, lines 1 – 3
Request deletion of the sentence, “(2) Establish telework and alternative work schedule policies and procedures pursuant to subsection c of this Act” as this language does not accurately reflect the negotiability of telework and alternative work week policies
- Proposed Amendment: page 5, lines 19 – 20
Request Deletion of the word, “establish” and replace it with “consider” so the sentence reads, “... in providing the information and data necessary for the telework and alternative work schedules policy working group to consider telework and alternative work schedule policies and procedures.”

Finally, Section 2(d) of S.B. 830, S.D. 1 includes language for reimbursable expenses including travel, consulting fees, and administrative expenses, therefore we respectfully note the need for an appropriation to be included in this measure. However, for consistency in our position, we are compelled to remind the Committee that both the short-term and long-term economic projections show that our state budget is in a severe crisis and while many steps have already been taken to mitigate the impact of the COVID-19 worldwide pandemic, there remains a delicate and precarious balance of our state finances.

Thank you for the opportunity to testify on S.B. 830, S.D. 1.

Respectfully submitted,

Randy Perreira
Executive Director



of Hawaii

To: Hawaii State Senate Committee on Ways and Means

Hearing Date/Time: Thursday March 4, 10AM

Place: Hawaii State Capitol, Room 211

Re: Testimony with comment for S.B. 830 SD1

Dear Chair Dela-Cruz, Vice Chair Keith-Agaran, and Members of the Committee,

Members of AAUW of Hawaii are grateful for this opportunity to testify with comment for S.B. 830 SD1, which would direct the Department of Human Resources Development to convene a working group to update and create policies on telework & alternative work schedules, and submit a report including recommendations to the legislature in time for the 2022 legislative session.

While we understand the value of work group with all stakeholders to establish policies and procedures for the ever important telework & alternative work schedules, we are concerned that the delay in a clear policies will lead to even more employees of State of Hawaii leaving their job to care for their keiki or other family members who need care during the pandemic. As we all know and unfortunately due to the pandemic, no other care options are available. As we also know, it is the women who end up quitting their job to care for family members, impacting their financial security short term and long term. Women left their job as much as four time more than men to care give during the pandemic¹; over 3 million women nationally left their job past year.²

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. Fortunately, many larger companies have offered telework as

¹ <https://www.npr.org/2020/10/28/928253674/stuck-at-home-moms-the-pandemics-devastating-toll-on-women>

² <https://www.cbsnews.com/news/covid-crisis-3-million-women-labor-force/>

options to the employees pre-pandemic and organizations such as the Society for Human Resource Management (SHRM) offers guidance³ based on best practices.

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.

Thank you for your consideration and this opportunity to submit this testimony.

A handwritten signature in blue ink, appearing to read 'Y. Overly', with a stylized, cursive script.

Younghee Overly
Public Policy Chair, AAUW of Hawaii
publicpolicy-hi@aauw.net

³ <https://www.shrm.org/resourcesandtools/pages/remote-work.aspx>

SB-830-SD-1

Submitted on: 3/3/2021 9:31:03 PM

Testimony for WAM on 3/4/2021 10:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Angelina Mercado	Testifying for Hawaii State Coalition Against Domestic Violence	Support	No

Comments:

HSCADV supports this measure.

SB-830-SD-1

Submitted on: 3/2/2021 10:50:29 AM

Testimony for WAM on 3/4/2021 10:00:00 AM

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

Comments:

I strongly support this measure that will help the many women who need to work from home AND care for their families. While this bill would benefit everyone, women are the most adversely affected by requirements to be at a physical workplace.

Mahalo, Ann S. Freed

SB-830-SD-1

Submitted on: 3/3/2021 10:01:34 AM

Testimony for WAM on 3/4/2021 10:00:00 AM

LATE

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

Comments:

I support SB 830 SD 1

Patricia L Bilyk

LATE

SB-830-SD-1

Submitted on: 3/3/2021 8:43:00 PM
Testimony for WAM on 3/4/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Allison Mikuni	Individual	Support	No

Comments:

I support SB830 and recommend in favor of its passage. This legislation is necessary to help State government catch up with telework policies adopted by Hawaii's private employers and also by government employers of other states across the nation. Our State government's employment policies are not competitive and have caused the loss of many talented employees who have chosen to take their skills elsewhere to workplaces allowing telework options and flexible scheduling. Passage of this measure will create a more favorable work environment.

Other benefits to the State include: Reduced traffic in congestion-prone areas; Reduced square footage for space needs in State offices when staff who telework a few days weekly use shared workstations; Improved employee relationships since staff get a break from each other during the time apart and those in the office have more space instead of the normally crowded working conditions.