

Honolulu, Hawaii

FEB 17 2022

RE: S.B. No. 3316
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Labor, Culture and the Arts, to which was referred S.B. No. 3316 entitled:

"A BILL FOR AN ACT RELATING TO FAMILY LEAVE,"

begs leave to report as follows:

The purpose and intent of this measure is to provide employees with paid family leave for up to:

- (1) Eight weeks during the first year after birth of the employee's child, adoption of a child by the employee, or placement of a child with the employee through foster care; and
- (2) Eight weeks to care for the employee's family member with a serious health condition,

paid through an employer-based private insurance program currently used to provide for temporary disability benefits.

Your Committee received testimony in support of this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Americans for Democratic Action Hawai'i; American Association of University Women of Hawaii; Hawaii State Teachers Association; Imua Alliance; Democratic Party of Hawai'i Education Caucus; Hawai'i Children's Action Network Speaks!; United Public Workers, AFSCME Local 646, AFL-CIO; Breastfeeding Hawaii; Hawai'i



Women Lawyers; and six individuals. Your Committee received testimony in opposition to this measure from the Department of Labor and Industrial Relations, IL Gelato Hawaii, Magics Beach Grill, Hawai'i Restaurant Association, Retail Merchants of Hawaii, Chamber of Commerce of Hawaii, Society for Human Resource Management Hawaii, Hawaii Food Industry Association, Hawaii Petroleum Marketers Association, and Maui Chamber of Commerce. Your Committee received comments on this measure from Hawaii Credit Union League and Building Industry Association Hawaii.

Your Committee finds that while the federal Family and Medical Leave Act of 1993 and current state law provide certain employees of large employers with unpaid leave to care for a new child or attend to the needs of a family member with a serious health condition, the majority of Hawaii's workforce cannot afford to take unpaid leave. Your Committee further finds that women, who are often the primary caregivers of infants, children, and elderly parents, are affected disproportionately by the absence of paid family leave. This measure will allow employees in Hawaii to take paid family leave, regardless of the size of the employer, financed through an employer-based private insurance program currently used to provide for temporary disability benefits.

Your Committee notes the testimony of the Department of Labor and Industrial Relations, stating that the merging of Hawaii's family leave law and temporary disability insurance law requires analytical study, including an actuarial component, and requesting the effective date of this measure to be delayed for the department to prepare for its implementation.

Accordingly, your Committee has amended this measure by:

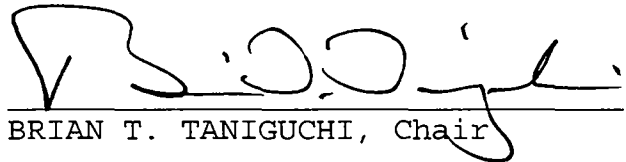
- (1) Repealing the authority of the Director of Labor and Industrial Relation to use the funds within the trust fund for family leave and disability benefits for the establishment and maintenance of a family leave data collection system under section 398-9.5, Hawaii Revised Statutes;
- (2) Inserting an unidentified number of positions to be hired by the Department of Labor and Industrial Relations for the purposes of this Act;



- (3) Inserting an effective date of July 1, 2022; however, delaying the effective date for sections 1 through 28 until July 1, 2024, to allow the Department of Labor and Industrial Relations the time to prepare the necessary system to implement those sections; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3316, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3316, S.D. 1, and be referred to your Committee on Ways and Means.

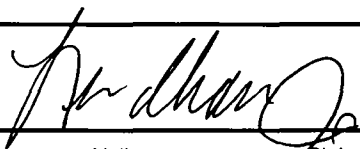
Respectfully submitted on
behalf of the members of the
Committee on Labor, Culture and
the Arts,


BRIAN T. TANIGUCHI, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Labor, Culture and the Arts
LCA

Bill / Resolution No.:* SB 3316	Committee Referral: LCA, WAM	Date: 2-9-22		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
IHARA, Jr., Les (VC)	✓			
CHANG, Stanley				✓
KEOHOKALOLE, Jarrett				✓
FEVELLA, Kurt	✓			
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes