



February 9, 2022

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

Date: Wednesday, February 9, 2022

Time: 3:00 p.m.

Place: Conference Room 225, State Capitol and Videoconference

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

**Re: S.B. 3316 RELATING TO FAMILY LEAVE**

**I. OVERVIEW OF PROPOSED LEGISLATION**

SB3316 proposes to require employers to provide family leave and family leave benefits to eligible employees by amending Chapter 392 "Hawaii Temporary Disability Insurance Law," Hawaii Revised Statutes (HRS) and Section 398A-3, HRS, and repealing Chapter 398, HRS. The measure will provide employees with up to eight weeks of family leave and family leave benefits during the first year after birth of the individual's child, adoption of a child by the individual, or placement of a child with the individual through foster care, and eight weeks of family leave and family leave benefits to care for the individual's family member with a serious health condition during any benefit year. Benefits will be paid through an employer-based private insurance program, approved agreement, or self-insured employer plan.

The DLIR appreciates the intent of this measure, but opposes it as drafted. The Department notes the merging of the Temporary Disability Insurance (TDI) and Hawaii Family Leave laws requires analytical study, including an actuarial component. The DLIR is willing to participate.

**II. CURRENT LAW**

Chapter 392, HRS, requires employers with one or more employees to provide TDI as a wage replacement benefit without job protection to eligible employees who are disabled from work due to the employee's own disability (nonoccupational sickness or accident).

Chapter 398, HRS (Hawaii Family Leave Law), requires employers with one hundred or more employees to provide qualifying employees with four weeks of

unpaid, job-protected leave to care for a sick family member or for the birth or adoption of a child. The employee may elect to use accrued paid leave for any part of the four weeks.

Chapter 398A, HRS (Leave of Absence for Organ, Bone Marrow, or Peripheral Blood Stem Donation Law) requires employers with 50 or more employees to provide employees who have worked for the employer for at least one year with a leave of absence of seven calendar days to serve as a bone marrow donor or stem cell donor or thirty calendar days to serve as an organ donor.

### **III. COMMENTS ON THE SENATE BILL**

The measure adds two requirements: family leave and family leave benefits. These are not interchangeable terms since one is defined as a leave of absence and the other refers to a payment. The revised text in the proposal makes numerous references to “family leave and disability benefits” which could mean family leave (leave of absence) and disability benefits or could mean family leave benefits (payments) and disability benefits. This misunderstanding could also apply to the phrase “family leave or disability benefits.” These ambiguities could be clarified by inserting “family leave benefits” as used on page 17, line 20-21 when the subject is benefits and not a leave of absence.

The measure does not require proof of the family relationship. If the intent is to permit family leave benefits without verification of the relationship, the definitions of family member, parent, child, and sibling may be unnecessary. The pre-existing Hawaii Family Leave Law has a certification requirement (§398-6 Certification).

This measure will repeal the Hawaii Family Leave Law (Chapter 398, HRS), which will result in the loss of the job and benefit protections provided by §398-7. The DLIR notes that the purpose of the Hawaii Family Leave Law is to protect employment and benefits for workers and that this type of protection does not exist in the TDI law. Moreover, Chapter 398 may not cover the same employees as the TDI law because it defines employee as “a person who performs services for hire for not fewer than six consecutive months...” for eligibility purposes whereas §392-25 requires, “...at least fourteen weeks during each of which the individual has received remuneration in any form for twenty or more hours and earned wages of at least \$400, during the fifty-two weeks immediately preceding the first day of disability.”

Chapter 392, HRS, requires the payment of TDI benefits to an eligible individual who meets the requirements even if the individual is separated from employment before or during the disability. As drafted, the measure is ambiguous as to how the entitlement to family leave would apply to an individual who is separated from employment before or during the period the individual is unable to work due to family-related reasons. Similarly ambiguous is the limitation that family leave benefits “not be duplicative of disability benefits for disability caused by termination of pregnancy” (page 8, line 10-12).

The measure also does not appear to prohibit family leave benefits and TDI benefits during the same period. If this is the intent of the measure, the department requests that the measure limit an individual who qualifies for family leave benefits and disability benefits during the same period to receive either the family leave benefits or disability benefits during that period.

The proposed amendments to §392-41 inserts “family leave benefits and” in some places and “family leave benefits or” (emphasis added) in other places. DLIR is unclear if the different conjunctions accurately reflect the intent of the revisions. Our understanding is that if the employer chooses to obtain coverage under by options in Sections 392-41(a)(1), (a)(2), and (a)(3), HRS, it must use that one option for both family leave benefits and TDI benefits. If the employer chooses to obtain coverage via options in Section 392-41(a)(4) or (a)(5), HRS, the employer can use the option for either family leave benefits or TDI benefits.

The Department questions whether the payer of family leave benefits should have subrogation rights to the workers’ compensation benefits and employer indemnity payments. TDI payers have subrogation rights because the disability that the individual received compensation for had to be either related to work (workers’ compensation) or unrelated to work (TDI). Once it is determined the disability was work-related, subrogation allows the repayment of the TDI benefits that should not have been paid. Family leave benefits, however, are payable due to the individual’s personal situation and are not related to the individual’s work. Thus, it is unclear as to why the family leave benefits would be reimbursed by the workers’ compensation payments.

The Trust Fund for Disability Benefits currently must maintain a minimum balance of \$500,000 (§392-67), which has not increased since the TDI law was enacted in 1969, despite annual increases in the maximum weekly benefit amounts. This measure will make more benefits available to more workers, which increases the potential that the trust fund will need to pay benefits to individuals whose employers are not compliant or bankrupt. This would cause the DLIR to reinstitute levies pursuant to §392-67 and thereby adding a significant, additional responsibility to a work unit that has suffered repeated cuts over time as well as add an expense for employers.

Furthermore, currently employers may select TDI benefit schedules that vary the length of the waiting period, the percentage of wages replaced, and the duration of benefits. The Department uses equivalency tables to determine if the benefit schedule meets the requirement of being at least as favorable as the benefits required by the statute. The tables reflect the actuarial relationship between the types and amounts of benefits. Section 12-11-17, Hawaii Administrative Rules, established the evaluation benefit criteria for the tables. New tables will be needed to accommodate the additional value of the family leave benefits therefore funding is needed to have the tables developed.

In conclusion, if the DLIR is to effectuate this measure (if amended to resolve conflicts and ambiguities), the Department estimates it would likely require 26

additional positions at annual salaries of \$1,974,000, office equipment of \$197,000, and the development of a robust benefits information technology program at \$5,000,000.

DLIR will require at least three years to procure a contractor and develop its information technology system to support the program, amend administrative rules, reorganize its divisions, hire and train staff, and develop outreach programs for employers and employees. DLIR suggests that the effective date of this measure be delayed for at least three years to allow sufficient time for the insurance industry to develop policies to offer, for the DLIR to implement the program, and for employers to conform to the requirements of this measure.

**SB-3316**

Submitted on: 2/7/2022 6:44:43 AM

Testimony for LCA on 2/9/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dirk Koeppenkastrop	Testifying for IL Gelato Hawaii	Oppose	No

Comments:

Date: February 7, 2022

To: Sen. Brian T. Taniguchi, Chair

Sen. Les Ihara, Vice Chair

Members of the Committee on Labor, Culture, and Arts

From: Dirk Koeppenkastrop, Ph.D.

Subj: SB 3316 Relating to Family Leave

My name Dirk Koeppenkastrop and I am the owner of several small businesses in Hawaii. Our biggest business is IL Gelato Hawaii. We have a whole sale, a catering business and five retail locations around Oahu and one in Waikiki that is still closed due to COVID. We used to employ over 75 people and due to COVID-19 are down to less than 35. We pay rent in 5 locations and suffer great losses from the shut downs and restricting regulations and lack of tourism. Our revenues are down to less than 70% from prior year and we are losing money in our retails every month.

The restaurant industry is one of the hardest hit by the COVID pandemic. Two years into the pandemic, we are still struggling to keep our doors open amid a surge in coronavirus cases, record inflation, a labor shortage, and supply chain delays. We feel that it will take us well into

2023 for our businesses to normalize, provided that we do not face another Covid variant like Omicron.

Many well-known restaurants had to close and more will follow. We need to postpone implementing any new programs that will increase additional administrative work and also increase the cost of doing business for at least two or three years out.

We need to make sure that all the various laws dealing with paid and unpaid leave be cleared up before adding any more mandates. Why would politicians think that small businesses can handle more laws, restrictions and more cost?

We are hurting and just cannot take on any more additional mandates and costs.

Thank you for giving me this opportunity to share my and my wife's concerns.



2/7/2022

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

From: Mattson C. Davis – Proprietor Magics Beach Grill / Former CEO of Kona Brewing Co. 1977-2015

Subject: SB 3316 Relating to Family Leave

I oppose SB3316 that plans to expand the current TDI to include provisions for Family Leave

The Restaurant Industry has to be one of the hardest hit by the Covid Pandemic since April 2020. Two years into the pandemic, restaurants are still struggling to keep their doors open amid a surge in coronavirus cases, record inflation, a labor shortage, and supply chain delays.. We feel that it will take us well into 2023 for our businesses to normalize, provided that we do not face another Covid variant like Omicron.

Many well known legacy restaurants Alan Wong's to Like Like Drive Inn & 12<sup>th</sup> Ave. Grill have closed here in our community and for those restaurants that are in operation, they are barely surviving on shoe strings margins.

We need to postpone implementing any new programs that will increase additional administrative work and also increase the cost of doing business for at least two or three years out. We need to make sure that all the various laws dealing with paid and unpaid leave be cleared up before adding any more mandates,

Our restaurants are hurting and just cannot take on any more additional mandates and costs

Thank you for giving us this opportunity to share our concerns.

Sincerely,



**Mattson C. Davis**  
Proprietor

**Magics Beach Grill**  
77-6452 Ali'i Dr,  
Kailua-Kona, HI 96740  
o. (808) 6Magics  
c. (808) 937-0466

**SB-3316**

Submitted on: 2/5/2022 4:08:37 PM

Testimony for LCA on 2/9/2022 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Thaddeus Pham	Individual	Support	No

Comments:

Aloha Chair Taniguchi, Vice Chair Ihara, and LCA Committee Members,

I write in strong support of SB3316, which would provide paid during certain important life circumstances for working families in Hawai'i.

As has been demonstrated during the ongoing COVID-19 pandemic, working families are most impacted when leave options are not available, leading to harmful impacts on local economies, public health, and social cohesion. As a public health professional, I recommend the measure because of the clear evidence of the positive outcomes of paid family leave on population health, as explicated by the American Public Health Association (<https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2014/07/16/11/05/support-for-paid-sick-leave-and-family-leave-policies>).

I fully support SB3316.

Thank you for your consideration of this testimony.

Thaddeus Pham (he/him)



**SB-3316**

Submitted on: 2/6/2022 9:06:08 AM

Testimony for LCA on 2/9/2022 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Cindy Nawilis	Individual	Support	No

Comments:

Dear Chair Taniguchi, Vice Chair Ihara, and other members of the Labor, Culture and the Arts committee:

I support SB3316 because I believe it is time for United States of America to have some kind of paid family leave law. And since at federal level it is still yet to be enacted, I think it is admirable that Hawaii should lead the way as this wonderful state has done with so many other previous pioneering legislation that is now more commonplace across the nation (ie. carbon neutral goal, medical marijuana, etc.).

I think it is also important to build in support for working families to strengthen the current and future economy. We should encourage people to have children and raise families if we want to limit the repercussions of an aging economy.

Thank you for the opportunity to submit this testimony.

**SB-3316**

Submitted on: 2/6/2022 10:46:47 AM

Testimony for LCA on 2/9/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Diliaur Tellei	Individual	Support	No

Comments:

Dear LCA Chair Sen Taniguchi and Vice Chair Sen Ihara,

I commend and thank you for the introduction of this bill and **I strongly support its passage.** Hawaii is a state made up of families -- newborns, elders, and all in between; family is the essential link, the glue in so many of the cultures that make up our population. We also have a terribly expensive cost of living, and many families (new parents, caregivers, etc) have to make sacrifices one way or the other -- sacrifice earnings or sacrifice quality of care of their family member. Reading the language of the bill I am heartened by the research that has gone into understanding the plight of the working person in Hawaii today and the effort to "fill the existing gaps". I'm proud that my Senator, Sen Taniguchi, was responsible for introducing this bill. Thank you for all you do!



**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 Labor, Culture and the Arts

Testimony by  
Hawaii Government Employees Association

February 9, 2022

S.B. 3316 – RELATING TO FAMILY LEAVE

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the intent of S.B. 3316 which provides employees with up to eight weeks of paid family leave during the first year after birth of the individual's child, adoption of a child, or placement of a child through foster care, and eight weeks of paid family leave to care for a family member with a serious health condition via an employer-based private insurance program used to provide temporary disability benefits.

We have historically supported the passage of a paid family leave program and recognize that the current COVID-19 worldwide pandemic has not only exacerbated wage inequality but exposed the need for workers to access time off to address their and their family members' health care concerns, without losing wages. Since many of our members live paycheck to paycheck, we could not support prior paid family leave models that created a social insurance program or an employee mandate to fund. However, since S.B. 3316 is an extension of temporary disability benefits, it is a viable alternative.

Thank you for the opportunity to provide testimony in support of S.B. 3316.

Respectfully submitted,



Randy Perreira  
Executive Director



**Greg Maples, Chairman** – Polynesian Cultural Center    **Ryan Tanaka, Incoming Chair-** Giovanni Pastrami

**Ave Kwok, Vice Chair-** Jade Dynasty    **Tambara Garrick, Secretary** – Hawaii Farm Project

**Kahili Soon, Treasurer** – Hukilau Marketplace    **Tom Jones, Past Chair** – Gyotaku

**Sheryl Matsuoka**, Executive Director    **Chivon Garcia**, Executive Assistant    **Holly Kessler**, Director of Membership Relations

Date: February 6, 2022

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

From: Victor Lim, Legislative Lead

Subj: SB 3316 Relating to Family Leave

The Hawaii Restaurant Association representing 3,400 restaurants here in Hawaii opposes SB3316 that plans to expand the current TDI to include provisions for Family Leave

The Restaurant Industry has to be one of the hardest hit by the Covid Pandemic since April 2020. Two years into the pandemic, restaurants are still struggling to keep their doors open amid a surge in coronavirus cases, record inflation, a labor shortage, and supply chain delays.. We feel that it will take us well into 2023 for our businesses to normalize, provided that we do not face another Covid variant like Omicron.

Many well known legacy restaurants from Like Like Drive Inn to 12<sup>th</sup> Ave. Grill had closed here in our community and for those restaurants that are in operation, they are barely surviving on shoe strings margins. We need to postpone implementing any new programs that will increase additional administrative work and also increase the cost of doing business for at least two or three years out. We need to make sure that all the various laws dealing with paid and unpaid leave be cleared up before adding any more mandates,

Our restaurants are hurting and just cannot take on any more additional mandates and costs

Thank you for giving us this opportunity to share our concerns.





AMERICANS FOR DEMOCRATIC ACTION

**OFFICERS**

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P.O. Box 23404  
Honolulu  
Hawaii 96823

February 7, 2022

TO: Chair Taniguchi and Members of LCA Committee

RE: SB 3316 Relating to Family Leave

Support for a Hearing on February 9

Americans for Democratic Action is an organization founded in the 1950s by leading supporters of the New Deal and led by Patsy Mink in the 1970s. We are devoted to the promotion of progressive public policies.

Americans for Democratic Action Hawaii supports this bill as it would provide employees with up to eight weeks of paid family leave during the first year after birth of the individual's child, adoption of a child by the individual, or placement of a child with the individual through foster care, and eight weeks of paid family leave to care for the individual's family member with a serious health condition during any benefit year, paid through an employer-based private insurance program currently used to provide for temporary disability benefits.

Attached is an article we had published in Civil Beat. It makes our case.

Thank you for your consideration.

Sincerely,

John Bickel, President

Paid Family Leave Insurance  
By John Bickel and Megan Tagami  
Americans for Democratic Action Hawaii

President Dwight Eisenhower fought against the “pro-business” interests in 1956 to successfully pass the Disability Insurance amendment to the Social Security Act. Although Europeans had provided this public benefit to all its workers for decades, the Chamber of Commerce interests argued it was too expensive and burdensome to business to be worth it. Yet Congress knew that injuries were bankrupting many families and putting severe financial strain on others. The need was great. The benefits helped both individual workers and the economy as a whole. Fortunately Eisenhower succeeded.

This is parallel to our situation today with the fight for Paid Family Leave Insurance. Europeans have had it successfully for years. Business interests including one interpretation of the recently published study from the Hawaii Legislative Reference Bureau claim it will be onerous to business. Yet we know that too many families are burdened with infant care or elder care, causing financial hardship and even bankruptcy.

Current programs of the Federal Family and Medical Leave Act (FMLA) and the Hawaii Family Leave Law (HFLL) provide a basis for workers to take time off work to act as caregivers when the need arises. There are limitations that prevent both of these programs from providing adequate benefits, however. Both the FMLA and HFLL only cover 60% of workers<sup>1</sup> on both the national and state level and neither program offers paid time off. This essentially discourages workers from using these programs and creates greater financial burdens for those who do choose to take the leave.

In 2017 working families on the national level lost \$20.6 billion in wages due to the lack of paid family leave; on the state level, they lost approximately \$2 billion in 2011 when caring for loved ones. These statistics show that lack of paid leave clearly has a negative effect on families and has the potential to force workers, especially those with low incomes, to choose between financial stability and care-giving duties.

When most people think of family leave, they think of care for infants. The 2017 Hawaii State Paid Family Leave Analysis Grant Report projects that almost 70% of the Paid Family Leave claims would be related to bonding and caring for a newborn.

Family leave is important for fathers. As seen in studies from states already providing Paid Family Leave Insurance, a lack of paid leave discourages men, especially fathers, from taking time off to care for family members. Thus, the responsibility of care-giving falls heavily upon women: on a national level, women make up approximately 75% of informal caregivers. Only 22% of women have employers offering paid maternity leave. Some mothers in the state of Hawaii may receive temporary disability insurance after giving birth, but this program solely covers the time needed to recover from complications from childbirth. It also fails to cover families adopting an infant.

Family leave for mothers pays multiple dividends. In a California study, women who took paid family leave were more likely to initiate breastfeeding and continue breastfeeding for longer periods of time than those who did not take paid family leave. Taking the leave decreases the

risk of health problems for babies, which includes asthma, diabetes, eczema, and Sudden Infant Death Syndrome. It also decreases a mother's chance at developing breast and ovarian cancer, diabetes, and hypertension after childbirth. Moreover, mothers in a New York survey were more likely to report experiencing depression in the year following the birth of their child if they took less than six weeks of leave and were more likely to report experiencing poor health if they took less than four weeks of leave. It is a testimony to the maternal benefits of paid family leave that women who take paid leave for bonding purposes are 40% less likely to use food stamps than women who return directly to work after childbirth.

This responsibility of caring for a child can negatively impact careers as 29% of women workers cite relinquishing a promotion, training, or assignment to care for a family member. Twenty percent report that they gave up full-time employment to become an informal caregiver. In Hawaii, 63% of children grow up in households in which both parents work, so it is likely that a woman will be both the caregiver of the family and a source of income as well.

While 70 percent of claims relate to infant care, the bulk of the rest of the claims are for elder-care. *Kupuna* are a cherished and growing part of the population. This segment of the population is on track to increase by 310% between 1980 and 2035. The "silver tsunami" of people over the age of 60 is expected to boost their share of the population to approximately 29% by 2040. Unfortunately, many workers struggle to care for the needs of their dependent and elderly family members.

While paid family leave is beneficial for parents and newborns alike, it also offers benefits to businesses as well. In a California study on the impact of paid family leave on both large and small businesses, employers reported that implementing the program increased their employee retention rate and thus helped them to save a total of \$89 million a year due to their lower turnover rates. In the study, the benefits of Paid Family Leave were especially seen in "low-quality" job industries, in which 83% of workers returned to their employer after taking paid family leave, 10% more than those who did not take paid family leave. Moreover, 89% of employers said that paid family leave had either a positive effect or no effect on their workers' productivity and 91% reported no impact or a positive impact on their businesses' performance and profitability. Perhaps surprisingly, small businesses with 100 or less employees were less likely to report negative effects than larger ones, possibly because these businesses already had well-established coping mechanisms to deal with employee absenteeism prior to the implementation of the paid family leave program.

Eight states—California, Massachusetts, New Jersey, New York, Rhode Island, Washington, Connecticut, and Oregon, as well as the District of Columbia—have already established Family Leave Insurance programs, or have recently passed legislation to create their own programs in the near future. Many states model their Paid Family Leave Insurance programs after their temporary disability insurance programs, and, thus, majority of the paid family leave programs are under the control of the state.

However, almost like Hawaii, New York's temporary disability insurance is largely provided by employers' private insurance companies, rather than directly run by the state. New York does have a State Insurance Fund competing with private plans. The state's statutory plan offers generous benefits, including ten weeks of leave, currently the longest amount offered by any paid family leave program in the country, full job protection, a benefit only a handful of states currently provide, and a moderate 55% wage replacement rate. Employees are required to

contribute .153% of their incomes as employers are not required to take on any of the costs of the program.

As New York and Hawaii both rank within the top three states in terms of cost of living and already have employer-run temporary disability insurance programs set in place, New York's paid family leave program is likely the most realistic basis (yet not perfectly aligned) on which Hawaii can form its own program. For Hawaii it would be reasonable to have a plan by which both employer and employee share the cost.

Regarding worker contributions to the costs of the program, the percentage of workers' incomes varies from state to state, ranging from .08% of incomes in New Jersey to 1.2% in Rhode Island, as of 2017. Differences in employee contributions could be attributed to the extent of benefits of each state, such as length of leave and rate of wage replacement, as well as the varying costs of sustaining a family in each state. Notably, Oregon's paid family leave law, passed in the summer of 2019, proposes that employers will pay 40% of the program costs, with the exception of small businesses employing less than 25 workers. The Oregon paid family leave program is the first of its kind to mandate a split in costs between employers and employees, and this model could be adopted in Hawaii's statutory plan as local employers and employees already equally split the cost of the temporary disability insurance program.

Paid Family Leave Insurance is a very important benefit for infants, working mothers, caring fathers, kupuna, children of kupuna, employees, and probably employers. Of course the program is not free. Yet the benefits outweigh the costs. Our legislature must not get caught up in bickering over who pays how much or business interests crying wolf. Just as the Social Security Act and its Disability Insurance amendment, we need politicians with courage to stand up to the nay-sayers and pass a bill to meet the large and growing needs of families. May they put the rhetoric of valuing ohana into policy. Pass a Paid Family Leave Insurance bill!

John Bickel is President of Americans for Democratic Action and Megan Tagami is one of its interns.

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<sup>i</sup> *Hawaii State Paid Family Leave Analysis Grant Report (Executive Summary)*, report, November 2017, 1, accessed June 15, 2019, [https://www.dol.gov/wb/media/Hawaii\\_Report\\_Final\\_2.pdf](https://www.dol.gov/wb/media/Hawaii_Report_Final_2.pdf).

<sup>i</sup> Stern, Ivette Rodriguez, Sylvia Yuen, and Shi-Jen He. "Hawaii's Strong Families." 6. Accessed July 4, 2019. <http://uhfamily.hawaii.edu/publications/papers/StrongFamilies.pdf>.

<sup>i</sup> Nonprofit Finance Fund, *Caring for Our Kupuna: Building an Aging in Place Movement in Hawaii*, Hawaii Community Foundation, [www.hawaiicommunityfoundation.org](http://www.hawaiicommunityfoundation.org), 2, accessed July 4, 2019, <https://www.hawaiicommunityfoundation.org/file/pdfs/Caring-for-Our-Kupuna-Study.pdf>.

<sup>i</sup> Jenjira Yahirun and Hua Zan, *Uhfamilty.hawaii.edu,report*, Center on the Family, University of Hawaii, 2016, 1, accessed July 4, 2019, [http://uhfamily.hawaii.edu/publications/brochures/6a78a\\_477d1\\_Hawaiis\\_Older\\_Adults\\_A\\_Demographic\\_Profile\\_HZ\\_091316\\_v2.pdf](http://uhfamily.hawaii.edu/publications/brochures/6a78a_477d1_Hawaiis_Older_Adults_A_Demographic_Profile_HZ_091316_v2.pdf).

<sup>i</sup> *Hawaii State Paid Family Leave Analysis Grant Report (Executive Summary)*, report, November 2017, 1, accessed June 15, 2019, [https://www.dol.gov/wb/media/Hawaii\\_Report\\_Final\\_2.pdf](https://www.dol.gov/wb/media/Hawaii_Report_Final_2.pdf).



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<sup>i</sup> The Women's Initiative. "Paid Family and Medical Leave: By the Numbers." Www.americanprogress.org. September 27, 2017. Accessed June 28, 2019. <https://www.americanprogress.org/issues/women/reports/2017/09/27/439527/paid-family-medical-leave-numbers/>.

<sup>i</sup> "Paid Family Leave." Www.hmhb-hawaii.org. Accessed July 3, 2019. <https://www.hmhb-hawaii.org/information/paid-family-leave/>.

<sup>i</sup> "The Child Development Case for a National Paid Family and Medical Leave Program." Www.zerotothree.org. December 2018. Accessed June 20, 2019. <https://www.zerotothree.org/resources/204-the-child-development-case-for-a-national-paid-family-and-medical-leave-program>.

<sup>i</sup> Jeffery Hayes, *Usage and Cost of Parental and Family Care Leave in Hawaii*, report, November 2017, 20, accessed June 15, 2019, [https://www.dol.gov/wb/media/Hawaii\\_Report\\_Final\\_2.pdf](https://www.dol.gov/wb/media/Hawaii_Report_Final_2.pdf).

<sup>i</sup> Neuhauser, Maxine, and Alkid Kacani. "New Jersey Expands Paid Family Leave Laws to Cover More Employers, Double Leave Time, Increase Uses, and Raise Benefits." Www.ebglaw.com. March 04, 2019. Accessed June 28, 2019. <https://www.ebglaw.com/news/new-jersey-expands-paid-family-leave-laws-to-cover-more-employers-double-leave-time-increase-uses-and-raise-benefits/>.

<sup>i</sup> United States Department of Labor, Paternity Leave: Why Parental Leave For Fathers Is So Important For Working Families, policy brief, 2012, 3, accessed July 3, 2019, <https://www.dol.gov/asp/policy-development/PaternityBrief.pdf>.

<sup>i</sup> Eileen Appelbaum and Ruth Milkman, *Leaves That Pay: Employer and Worker Experiences with Paid Family Leave in California*, report, January 2011, 7, accessed July 2, 2019, <http://cepr.net/documents/publications/paid-family-leave-1-2011.pdf>.

<sup>i</sup> *Paid Family Leave: Study of City Workers in NYC*, report, 1, accessed July 18, 2019, [https://www.dol.gov/wb/media/Paid\\_Family\\_Leave-Study\\_of\\_City\\_Workers\\_in\\_NYC.pdf](https://www.dol.gov/wb/media/Paid_Family_Leave-Study_of_City_Workers_in_NYC.pdf).

<sup>i</sup> *H.B. NO. 2136 Relating to Family Leave: Testimony to the House Committee on Labor and Public Employment*, Hawaii State Legislature Cong., 14 (2018) (testimony of Will Caron).

<sup>i</sup> "Paid Family Leave."

<sup>i</sup> Appelbaum and Milkman, "Leaves That Pay," 24.

<sup>i</sup> Rizzo, Albert. "New York State Paid Family Leave Act 2019 - FMLA 2019." Www.nycbar.org. January 2018. Accessed June 27, 2019. <https://www.nycbar.org/get-legal-help/article/employment-and-labor/family-medical-leave-act-fmla/new-york-state-paid-family-leave-act/>.

<sup>i</sup> Jackson Brainerd, Paid Family Leave in the States, report, August 2017, 2, accessed June 20, 2019, <http://www.ncsl.org/LinkClick.aspx?fileticket=krAvd-XY2OM=&tabid=31635&portalid=1>.

<sup>i</sup> Bowler, Sharon, and Jason Stanevich. "Connecticut Set to Offer Nation's Most Generous Paid-Family-Leave Benefits." Www.shrm.org. June 17, 2019. Accessed July 5, 2019. [https://www.shrm.org/resourcesandtools/legal-and-compliance/state-and-local-updates/pages/connecticut-set-to-offer-most-generous-paid-family-leave-benefits.aspx?\\_ga=2.140709617.27418623.1562387296-1115001010.1559786150](https://www.shrm.org/resourcesandtools/legal-and-compliance/state-and-local-updates/pages/connecticut-set-to-offer-most-generous-paid-family-leave-benefits.aspx?_ga=2.140709617.27418623.1562387296-1115001010.1559786150).

<sup>i</sup> *Paid Family Leave Study Polling*, report, November 2017, 15, accessed June 15, 2019, [https://www.dol.gov/wb/media/Hawaii\\_Report\\_Final\\_2.pdf](https://www.dol.gov/wb/media/Hawaii_Report_Final_2.pdf).

<sup>i</sup> *H.B. NO. 2136 Relating to Family Leave: Testimony to the House Committee on Labor and Public Employment*, Hawaii State Legislature Cong., 8 (2018) (testimony of PHOCUSED).

<sup>i</sup> Barbara E. Silver, Helen Mederer, and Emilija Djurdjevic, *Launching the Rhode Island Temporary Caregiver Insurance Program (TCI): Employee Experiences One Year Later*, report, University of Rhode Island, April 2016, 35, accessed July 3, 2019, [https://www.dol.gov/wb/media/RI\\_paid\\_leave\\_report.pdf](https://www.dol.gov/wb/media/RI_paid_leave_report.pdf).

<sup>i</sup> *Hawaii State Paid Family Leave Analysis Grant Report (Executive Summary)*, 9.

<sup>i</sup> Brainerd, *Paid Family Leave in the States*, 2.

<sup>i</sup> Sarah Jane Glynn, *Paid Family Leave Program Development and Administration: Hawaii*, report, November 2017, 13, accessed June 15, 2019, [https://www.dol.gov/wb/media/Hawaii\\_Report\\_Final\\_2.pdf](https://www.dol.gov/wb/media/Hawaii_Report_Final_2.pdf).

<sup>i</sup> "The Child Development Case for a National Paid Family and Medical Leave Program." Zero to Three. December 2018. Accessed June 20, 2019. <https://www.zerotothree.org/resources/204-the-child-development-case-for-a-national-paid-family-and-medical-leave-program>.

<sup>i</sup> *Hawaii State Paid Family Leave Analysis Grant Report (Executive Summary)*, 7

<sup>i</sup> Brainerd, *Paid Family Leave in the States*, 2.

<sup>i</sup> "Family and Medical Leave Act (FMLA)." New York State. Accessed July 4, 2019. <https://paidfamilyleave.ny.gov/paid-family-leave-and-other-benefits>.

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<sup>i</sup> Cassandra D. Engeman, *Ten Years of the California Paid Family Leave Program: Strengthening Commitment to Work, Affirming Commitment to Family*, report, Department of Sociology, University of California, Santa Barbara, September 2012, 6, accessed July 2, 2019, <http://crwsj.projects.femst.ucsb.edu/engagements/pdf/Engeman-PFL-Policy-Brief.pdf>.

<sup>i</sup> Suma Setty, Curtis Skinner, and Renee Wilson-Simmons, *Protecting Workers, Nurturing Families: Building an Inclusive Family Leave Insurance Program*, report, Mailman School of Public Health, Columbia University, March 2016, 5, accessed June 20, 2019, [http://nccp.org/publications/pdf/text\\_1152.pdf](http://nccp.org/publications/pdf/text_1152.pdf).

<sup>i</sup> *First Impressions: Comparing State Paid Family Leave Programs in Their First Years*, report, February 2015, 5, accessed June 25, 2019, <http://www.nationalpartnership.org/our-work/resources/workplace/paid-leave/first-impressions-comparing-state-paid-family-leave-programs-in-their-first-years.pdf>.

<sup>i</sup> Barbara E. Silver, Helen Mederer, and Emilija Djurdjevic, *Launching the Rhode Island Temporary Caregiver Insurance Program*, 29.

<sup>i</sup> S Peterkin, Olivia. "Why Hawaii Trends Toward Large And Extended Families." Honolulu Civil Beat. November 21, 2017. Accessed July 4, 2019. <https://www.civilbeat.org/2017/11/why-hawaii-trends-toward-large-and-extended-families/>.

<sup>i</sup> *Grandfacts: State Fact Sheets for Grandfamilies*, report, 1, accessed June 27, 2019, [http://www.grandfamilies.org/Portals/0/State Fact Sheets/Grandfamilies-Fact-Sheet-Hawaii.pdf](http://www.grandfamilies.org/Portals/0/State%20Fact%20Sheets/Grandfamilies-Fact-Sheet-Hawaii.pdf).



To: Senate Committee on Labor, Culture, and the Arts  
Hearing Date/Time: February 9, 2022 at 3:00PM  
Re: Testimony in SUPPORT of SB3316

Dear Chair Taniguchi, Vice Chair Ihara, and Members of the Committee,

Members of AAUW of Hawaii thank you for this opportunity to testify in support of SB3316 which would provide employees up to 8 weeks of paid family leave, paid through an employer-based private insurance program.

Women shoulder a disproportionate burden of caring for a newborn and other relatives who have fallen ill. AAUW works toward greater availability of and access to a high standard of benefits and policies that promote work-life balance including paid family leave. Without these policies, balancing the responsibilities of work and family can be difficult for employees, negatively impacting productivity, engagement, and wellness.

Being forced to leave the labor force to care for a newborn or a sick family member limits women's advancement and corresponding pay increases, contributing to the gender pay gap, and contributing to the gender retirement income and savings gap. Being forced to take unpaid leave impacts the livelihood of the women and their family. Two-thirds of women are their family's primary or co-breadwinner.

The American Association of University Women (AAUW) of Hawaii is an all volunteer, statewide chapter of a national organization and is made up of six branches: Hilo, Honolulu, Kaua'i, Kona, Maui, and Windward O'ahu. UH Hilo, UH Mānoa, UH Maui College, and Windward Community College are also AAUW partners. AAUW's mission is to advance gender equity for equal opportunities in education, at workplace and for economic security, and in leadership.

with Aloha,  
Younghee Overly

A handwritten signature in blue ink, appearing to read "Y. Overly".

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

**SB-3316**

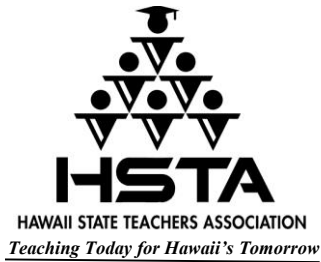
Submitted on: 2/7/2022 3:43:48 PM

Testimony for LCA on 2/9/2022 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Nara Sitachitta	Individual	Support	No

Comments:

In addition to supporting and prioritizing workers, families, and economic security, paid family leave would support child growth and development. A paid family leave program would allow workers to care for themselves and loved ones without the fear of financial insecurity or added stress. Without a national paid leave program, states have been left to create their own paid leave program, now is the time for Hawaii to join the 9 other states and implement a paid leave program for its families.



1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819  
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

Osa Tui, Jr.  
President

Logan Okita.  
Vice President

Lisa Morrison  
Secretary-Treasurer

Wilbert Holck  
Executive Director

TESTIMONY BEFORE THE SENATE COMMITTEE ON LABOR, CULTURE &  
THE ARTS

RE: SB 3316 - RELATING TO FAMILY LEAVE

WEDNESDAY, FEBRUARY 9, 2022

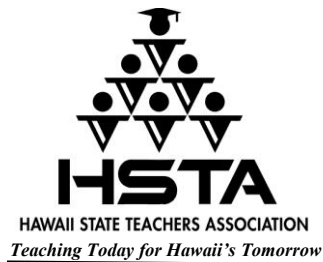
OSA TUI, JR., PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Taniguchi and Members of the Committee:

The Hawaii State Teachers Association **supports SB 3316** relating to family leave. This bill will provide employees up to eight weeks of paid family leave during the first year after birth or adoption of a child, or placement of a child from foster care. It will also provide up to eight weeks of paid leave to care for an individual's family member with a serious medical condition. Benefits will be paid through an employer-based private program that currently provides for temporary disability benefits.

Teachers are fortunate to be covered by a collective bargaining agreement that provides paid sick leave. Over 40 percent of Hawai'i's workforce; however, are not afforded the same benefit. Only 17 percent of workers in the U.S. have access to paid family leave through their employers. Women, as primary caregivers of infants, children, and elderly parents, are disproportionately affected by the absence of paid family and medical leave. According to AARP Hawaii, there are approximately 157,000 unpaid family caregivers in the State. Hawai'i has one of the fastest growing populations over the age of sixty-five in the nation; from 2020 to 2030 the percentage of people age sixty-five and over is expected to go from 19.1 per cent of the State's population to 22.5 per cent. Nearly a third of those who need but do not have access to family leave will need the time off to care for an ill spouse or elderly parent.

What's more, the COVID-19 pandemic became a public health emergency that infected thousands of people, overburdened hospital capacities, created medical supply shortages, and claimed the lives of numerous Hawai'i residents. Enacting a comprehensive family leave program would allow employees whose family members are impacted by serious health conditions to provide adequate care for their loved ones.



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President

Logan Okita.  
Vice President

Lisa Morrison  
Secretary-Treasurer

Wilbert Holck  
Executive Director

As a result, workers are often required to choose between providing for their families by working while sick or enduring a loss of income to recuperate. Families also must decide whether or not to send sick children to school or stay home and lose a day of pay. For low-income families, this financial bind can mean the difference between providing food or going hungry. When children are forced to attend class while ill, moreover, contagions may spread to other students, and not much learning occurs for the ill child who needs to recover from an illness.

To better care for families living paycheck to paycheck, the Hawaii State Teachers Association asks your committee to **support this bill.**



**TESTIMONY OF TINA YAMAKI, PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
FEBRUARY 9, 2022  
Re: SB 3316 RELATING TO FAMILY LEAVE**

Good afternoon, Chairperson Taniguchi and members of the Senate Committee on Labor, Culture and the Arts. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901, RMH is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, local, national, and international retailers, chains and everyone in between.

We are opposed to SB 3316 Relating to Family Leave. This measure provides employees with up to eight weeks of paid family leave during the first year after birth of the individual's child, adoption of a child by the individual, or placement of a child with the individual through foster care, and eight weeks of paid family leave to care for the individual's family member with a serious health condition during any benefit year, paid through an employer-based private insurance program currently used to provide for temporary disability benefits. Repeals chapter 398, Hawaii Revised Statutes. Appropriates funds to the Department of Labor and Industrial Relations.

It is our understanding that Family Leave is used when the Employee needs to take care of someone else who is a family member; and Sick Leave and TDI is used when the employee themselves are sick or injured.

Many employers already offer benefits that include significant paid time off to those employees who have earned it in addition to the mandated family leave for employees to care for their family who are ill and ensure that their jobs are secure when they return to work. Furthermore, Hawaii mandates medical insurance coverage for employees' healthcare.

We would like to point out that TDI is calculated based on payroll and wage base. By including family leave into the TDI calculations, the employer's premium rates would significantly increase. Not to mention that the administrative process will also add an additional burden and increase the cost to the businesses. It is important to note that in addition to the "family leave" compensation the employer would have to pay to the individual taking sick leave, the employer most likely has to pay another employee "filling in" for this individual.

Businesses are very sensitive to the finite price points customers are willing to pay. Retailers are sometimes not able to absorb all the costs associated with these types of government mandates and have to pass the cost on by raising prices of goods and services. However, as Hawaii has become so expensive retailers are even more price sensitive to not be priced out of the market, have customers go online to stores not associated with Hawaii to purchase items. When that happens, some employee special benefits may no longer be offered (i.e., additional employee discounts); employees may be laid off or replaced with automation like self-check-out lines or in the worst cases businesses just close.

Retailers are already operating on a very thin margin. The rising cost for employee health care benefits, goods, services, and shipping have a substantial effect on our operations since the pandemic ensued. Many are not able to afford these kinds of costly operational increases, especially when the legislature is also considering a raise in the minimum wage. Retailers have still not recovered. Many are still barely hanging on to keep their doors open and their employees employed. Many still carry a large debt from being shut down and the lack of customers – especially since the international visitors have not returned. We are also seeing streamlined and pivoted business with shortened hours of operations and freeze in employee hiring. We continue to see local and national retailers closing their doors in Hawaii. Measures like this will encourage more businesses to close their doors as they can no longer afford to operate in Hawaii and thus more of our friends, family and neighbors will be unemployed.

Policy makers should be focusing in on eliminating obstacles to business growth, job creation and economic stability and not adding additional costs that employers cannot afford.

Again mahalo for this opportunity to testify.

**SB-3316**

Submitted on: 2/7/2022 9:29:51 PM

Testimony for LCA on 2/9/2022 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Colleen Rost-Banik	Individual	Support	No

Comments:

Aloha. My name is Colleen Rost-Banik and I am a resident of Honolulu. I urge you to support SB3316 which would offer 8 weeks of PAID family leave after birth, adoption, foster care placement or caring for a family member with a serious health condition. This policy is essential for families to care for one another during critical times - and to be able to afford to do so. Please support this measure.

Respectfully,  
Colleen Rost-Banik





## HB 3316, RELATING TO FAMILY LEAVE

FEBRUARY 9, 2022 · SENATE LABOR, CULTURE,  
AND THE ARTS COMMITTEE · CHAIR SEN. BRIAN  
TANIGUCHI

**POSITION:** Supporting the intent with amendments.

**RATIONALE:** Imua Alliance supports the intent of and offers amendments for SB 3316, relating to family leave, which provides employees with up to eight weeks of paid family leave during the first year after birth of the individual's child, adoption of a child by the individual, or placement of a child with the individual through foster care, and eight weeks of paid family leave to care for the individual's family member with a serious health condition during any benefit year, paid through an employer-based private insurance program currently used to provide for temporary disability benefits; repeals chapter 398, Hawaii Revised Statutes; and appropriates funds to the Department of Labor and Industrial Relations.

While we strongly support the establishment of a paid family leave program for Hawai'i's workers, we urge the committee to pass a robust family leave program using the social insurance model, as contained in SB 2312. Please hear SB 2312 or replace the contents of SB 3316 with the contents of SB 2312. We need to *finally* establish a family leave insurance program for Hawai'i's workers, with up to 16 weeks of paid time off to address family needs, including keiki and kupuna care. Once effectuated, family leave insurance should also provide progressive wage replacement, allowing low-income workers to receive a higher percentage of their weekly wages (ideally, up to 90 percent) to make the benefit accessible to everyone.

**Hawaii's workers need this benefit.** In a 2017 public poll, 62 percent of Hawaii respondents reported that they had wanted to take leave in the past in order to care for a new child or family member. Currently, Hawaii employees do not have a right to paid family leave. The federal Family Medical Leave Act (which leaves out 40 percent of the state's workforce) provides for unpaid leave with up to 12 weeks for employers with 50 or more employees. The Hawai'i Family Leave Law (HFLL) applies to employers with 100 or more employees and allows up to four weeks. This is also unpaid leave. Moreover, Hawai'i has the fastest growing aging population in the nation. Our senior (age 65+) population is expected to grow 81 percent by 2030. Approximately 247,000 Hawaii workers are caregivers for a family member.

**This program would help Hawaii's businesses.** Family leave insurance increases worker retention and loyalty. Workers who have access to family leave benefits are more likely to return to work after their leave is over. In a 10-year study of the California family leave insurance program, businesses reported that family leave had either a positive or a neutral effect on their business. Small businesses were less likely than large businesses to report any negative effects.

**Providing paid time off for family caregiving strongly promotes gender equity.** Women are often disproportionately impacted by the lack of paid leave, as they are the primary caregivers of infants, children, and aging parents. The lack of paid family leave exacerbates the gender wage gap for women and adversely impacts the economic stability of both male and female caregivers.

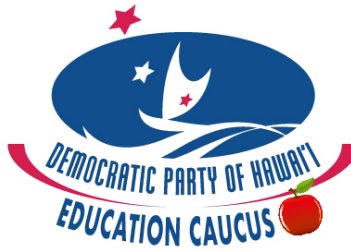
**We know this can work in Hawai'i.** Top experts in the area of family leave have studied the usage, cost, and feasibility of implementing a family leave insurance program for the islands. These studies collectively found that family leave insurance is a necessary and cost-effective way for workers to take adequate time off of work to care for their families without facing financial ruin or jeopardizing their careers.

We need a program that is affordable and designed to be revenue-neutral. The Institute for Women's Policy Research, which houses some of the nation's top experts on family leave, conducted an actuarial analysis using a simulation model to study the use and cost of family leave insurance for our state, which found that the annual cost to cover sixteen weeks of leave for a

worker making \$48,000 would be roughly \$58—a little over one dollar per week to pay for invaluable financial security.

It's a stark reality when employees face the dire choices of needing to be able to care for newborn or sick children, spouses, or parents, while also needing to work to sustain their family's income. We must offer a smart, affordable solution that enables workers to take a small number of weeks out of the workforce and not have to choose between caring for their families or saving their jobs.

**Kris Coffield · Executive Director, Imua Alliance · (808) 679-7454 · [kris@imuaalliance.org](mailto:kris@imuaalliance.org)**



## **SENATE BILL 3316, RELATING TO FAMILY LEAVE**

FEBRUARY 9, 2022 · SENATE LABOR, CULTURE,  
AND THE ARTS COMMITTEE · CHAIR SEN. BRIAN  
TANIGUCHI

**POSITION:** Supporting the intent with amendments.

**RATIONALE:** The Democratic Party of Hawai'i Education Caucus **supports the intent of and suggests amendments** for SB 3316, relating to family leave, which provides employees with up to eight weeks of paid family leave during the first year after birth of the individual's child, adoption of a child by the individual, or placement of a child with the individual through foster care, and eight weeks of paid family leave to care for the individual's family member with a serious health condition during any benefit year, paid through an employer-based private insurance program currently used to provide for temporary disability benefits; repeals chapter 398, Hawaii Revised Statutes; and appropriates funds to the Department of Labor and Industrial Relations.

While we strongly support the establishment of a paid family leave program for Hawai'i's workers, **we urge the committee to pass a robust family leave program using the social insurance model, as contained in SB 2312.** Please hear SB 2312 or replace the contents of SB 3316 with the contents of SB 2312. We need to *finally* establish a family leave insurance program for Hawai'i's workers, with up to 16 weeks of paid time off to address family needs, including keiki and kupuna care. Once effectuated, family leave insurance should also provide progressive wage

replacement, allowing low-income workers to receive a higher percentage of their weekly wages (ideally, up to 90 percent) to make the benefit accessible to everyone.

**Hawaii's workers need this benefit.** In a 2017 public poll, 62 percent of Hawaii respondents reported that they had wanted to take leave in the past in order to care for a new child or family member. Currently, Hawaii employees do not have a right to paid family leave. The federal Family Medical Leave Act (which leaves out 40 percent of the state's workforce) provides for unpaid leave with up to 12 weeks for employers with 50 or more employees. The Hawai'i Family Leave Law (HFLL) applies to employers with 100 or more employees and allows up to four weeks. This is also unpaid leave. Moreover, Hawai'i has the fastest growing aging population in the nation. Our senior (age 65+) population is expected to grow 81 percent by 2030. Approximately 247,000 Hawaii workers are caregivers for a family member.

**This program would help Hawaii's businesses.** Family leave insurance increases worker retention and loyalty. Workers who have access to family leave benefits are more likely to return to work after their leave is over. In a 10-year study of the California family leave insurance program, businesses reported that family leave had either a positive or a neutral effect on their business. Small businesses were less likely than large businesses to report any negative effects.

**Providing paid time off for family caregiving strongly promotes gender equity.** Women are often disproportionately impacted by the lack of paid leave, as they are the primary caregivers of infants, children, and aging parents. The lack of paid family leave exacerbates the gender wage gap for women and adversely impacts the economic stability of both male and female caregivers.

**We know this can work in Hawai'i.** Top experts in the area of family leave have studied the usage, cost, and feasibility of implementing a family leave insurance program for the islands. These studies collectively found that family leave insurance is a necessary and cost-effective way for workers to take adequate time off of work to care for their families without facing financial ruin or jeopardizing their careers.

We need a program that is affordable and designed to be revenue-neutral. The Institute for Women's Policy Research, which houses some of the nation's top experts on family leave,

conducted an actuarial analysis using a simulation model to study the use and cost of family leave insurance for our state, which found that the annual cost to cover sixteen weeks of leave for a worker making \$48,000 would be roughly \$58—a little over one dollar per week to pay for invaluable financial security.

It's a stark reality when employees face the dire choices of needing to be able to care for newborn or sick children, spouses, or parents, while also needing to work to sustain their family's income. We must offer a smart, affordable solution that enables workers to take a small number of weeks out of the workforce and not have to choose between caring for their families or saving their jobs.

**Kris Coffield · Chairperson, DPH Education Caucus · (808) 679-7454 · [kriscoffield@gmail.com](mailto:kriscoffield@gmail.com)**



*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: Senate Committee on Labor, Culture and the Arts

Re: **SB 3316 - Relating to Family Leave**  
Hawai'i State Capitol, Room 225 & Videoconference  
February 9, 2022, 3:00 PM

Dear Chair Taniguchi, Vice Chair Ihara, and committee members,

**On behalf of Hawai'i Children's Action Network Speaks!, I am writing in SUPPORT with SUGGESTED AMENDMENTS to SB 3316, relating to family leave.** This bill would provide employees with up to eight weeks of paid family leave: during the first year after the birth, adoption, or foster placement of a child with the individual, or for the individual to care for a family member with a serious health condition during any benefit year. This leave would be paid through an employer based private insurance program currently used to provide for temporary disability benefits.

The United States is the only OECD nation that does not provide paid family leave for its working population.<sup>1</sup> To fill that gap, in just the last six years, six states and the District of Columbia have passed paid family leave laws.<sup>2</sup> As a state that values 'ohana, Hawai'i has the chance to step forward and be the next.

Hawai'i needs a paid family leave program that allows all workers to take up to 16 weeks of paid, job-protected leave to care for sick or aging relatives, adjust to the birth, adoption, or placement of a child, or attend to other family emergencies. It is also essential that Hawaii's program be structured to provide a higher proportion of their pay to the low-wage workers who need this benefit the most.<sup>3</sup>

Although some workers might have access to paid leave through their workplaces, because coverage is a voluntary option for employers, it is usually offered as a perk for only by larger businesses to their highest-paid workers. Too many in our workforce, especially low-income workers, lack access paid leave.

This bill is a step in the right direction, but it falls short of what Hawai'i's working families and employers need. For that reason, we respectfully request that this bill be **AMENDED to reflect the language contained in SB 2312**, which provides for a more comprehensive and efficient paid family leave system.

Besides providing different amounts of leave, the main difference between the two approaches is whether paid family leave is designed as a social insurance program, such as Social Security and Medicare, or offers leave through employer-provided private insurance policies.

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

<sup>2</sup> National Partnership for Women and Families, <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/state-paid-family-leave-laws.pdf>

<sup>3</sup> Hawai'i Working Families Coalition, [https://d3n8a8pro7vhmx.cloudfront.net/goodbeginnings/pages/196/attachments/original/1521088265/FLI\\_Short\\_Piece.pdf](https://d3n8a8pro7vhmx.cloudfront.net/goodbeginnings/pages/196/attachments/original/1521088265/FLI_Short_Piece.pdf)



There are many advantages to the social insurance approach, especially for small businesses who currently can't afford to voluntarily provide paid leave – and are losing good employees to larger businesses that can. In addition, the social insurance model ensures more equity for working women and lower-wage workers. A social insurance program would also likely cost less than additional private insurance coverage.<sup>4</sup> The table below compares the two types of systems in more detail:

	<b>Expanded TDI Program</b>	<b>Social Insurance Program</b>
<b>Current examples of this model</b>	Employer-provided private health insurance or TDI.	Social Security and Medicare.
<b>How an employer sets it up</b>	Employer searches for and pays for a private insurance product (or adopts and submits for approval by the state a self-insurance plan).	Employer adds one more deduction to payroll (if the employer uses a payroll service, that service would likely set it up).
<b>Administration of claims</b>	Handled by the employer and the private insurance company.	Handled by the state.
<b>Enforcement of coverage and claims</b>	Handled by the state. Likely costly and complicated to track and enforce thousands of private policies.	Handled by the state. Likely less costly and simpler to enforce a single program with uniform benefits.
<b>Cost to employer</b>	Relatively high, since each employer required to go onto the private market (or self-insure) and unable to pool risk with others.	Relatively low, as risk and costs are spread widely among all employers and administration is handled by the state.
<b>Burden on small businesses</b>	Higher than for larger employers, due to smaller risk pools and proportionally higher human resources costs.	Would enable small businesses to better compete for employees by providing this benefit. Rates would be the same as for larger employers and administration would be handled by the state.
<b>Likelihood of discrimination</b>	Since private insurance premiums increase with higher utilization of policies, employers are incentivized to discriminate against female employees.	Since payments into the system are uniform, regardless of gender, there is no incentive for employers to discriminate against female employees.
<b>Progressive wage replacement</b>	Unclear if provisions would be made to ensure that lower-income workers would be able afford to take leave with partial wage replacement.	Newer state paid family leave programs provide lower-income workers with a larger percentage of their pay to ensure that they can afford to take leave.

Mahalo for the opportunity to provide this testimony. Please pass this bill with our suggested amendments.

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

<sup>4</sup> Hawai'i Commission on the Status of Women and Hawai'i Children's Action Network, [https://d3n8a8pro7vhmx.cloudfront.net/goodbeginnings/pages/196/attachments/original/1521088022/Hawaii\\_Family\\_Leave\\_Insurance\\_Analysis\\_Report.pdf](https://d3n8a8pro7vhmx.cloudfront.net/goodbeginnings/pages/196/attachments/original/1521088022/Hawaii_Family_Leave_Insurance_Analysis_Report.pdf)





**Testimony to the Senate Committee on Labor, Culture, and the Arts  
Wednesday, February 9, 2022, at 3:00 P.M.  
Conference Room 225 & Videoconference**

**RE: SB 3316 Relating to Family Leave**

Chair Taniguchi, Vice Chair Ihara Jr., and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **does not support** SB 3316, which:

- Provides employees with up to eight weeks of paid family leave during the first year after birth of the individual's child, adoption of a child by the individual, or placement of a child with the individual through foster care, and eight weeks of paid family leave to care for the individual's family member with a serious health condition during any benefit year, paid through an employer-based private insurance program currently used to provide for temporary disability benefits.
- Repeals chapter 398, Hawaii Revised Statutes.
- Appropriates funds to the Department of Labor and Industrial Relations.

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.

We appreciate and understand the intent of this bill to allow for paid family leave in the workplace. However, we have serious concerns that this measure is not a reasonable, manageable or an affordable approach in addressing those needs.

First, Hawaii employers already pay Temporary Disability Insurance (TDI) premiums based on payroll up to the allowable wage base. Expanding TDI benefits to now include family leave will not only increase administrative compliance, but, more importantly, employers will likely shoulder the burden of increases in TDI premium rates to the proposed extended coverage to family leave.

It is important to note that many businesses already offer paid leave programs as a means of attracting and retaining their workforce, especially with the COVID-19 employment environment. In a Chamber membership poll completed in February 2021, we found that the majority of businesses provide some type of leave, such as PTO, paid sick leave, vacation, paid family leave, etc.



# Chamber of Commerce HAWAII

*The Voice of Business*

With the way the pandemic has affected the economy, we need policies that will provide flexibility for businesses so they can help create more jobs for our economy. We need to be encouraging businesses to adopt their own innovative paid leave programs, rather than placing yet another mandate on employers and businesses.

Furthermore, the recent Paid Family Leave Program Impact Study<sup>1</sup> released in November 2019, brought concerns on what exactly a possible paid family leave program in Hawaii would look like and cost. Recognizing the challenges employers face in coordinating multiple paid leave laws, the report recommended the state consider numerous issues, including the following, when deciding how to implement paid family leave in Hawaii:

- Clear regulation
- Allowing for at least two, but ideally three years, to implement the new program
- Straightforward administration
- Comprehensive education
- Permitting paid family/medical leave to run concurrently with unpaid FMLA
- Considering a simplified benefit formula
- Avoiding Employee Retirement Income Security Act (ERISA) status
- Advocating for return to work within the law, but excluding job protection (as it is accounted for elsewhere)
- Providing gender neutral covered relationships and leave lengths
- Sunsetting existing unpaid leave laws (to start fresh with any new law)

Given the lack of substantiated data on the adverse impact of mandatory paid family leave on Hawaii employees, the Chamber asks that the committee hold this bill and review the findings of the Paid Family Leave Program Impact Study before enacting a one-size-fits-all policy.

In closing, while we appreciate the Legislature indicating their intention to address the issue of family leave, we have concerns about the impacts this will have to small businesses that are still struggling to recover from the pandemic.

Thank you for the opportunity to testify.

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<sup>1</sup> Paid Family Leave Program Impact Study in Accordance with Act 109, SLH 2018  
[https://lrb.hawaii.gov/wp-content/uploads/2019\\_PaidFamilyLeaveProgramImpactStudy.pdf](https://lrb.hawaii.gov/wp-content/uploads/2019_PaidFamilyLeaveProgramImpactStudy.pdf)



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## Senate Committee on Labor, Culture and the Arts

**Senator Brian T. Taniguchi, Chair  
Senator Les Ihara, Jr., Vice Chair  
Wednesday, February 9, 2022 at 3:00 P.M.  
Via Videoconference**

**RE: SB 3316, RELATING TO FAMILY LEAVE**

Chair Taniguchi, Vice Chair Ihara, Jr., and Members of the Committee:

**The Society of Human Resource Management (SHRM) Hawaii opposes SB 3316** which provides employees with up to eight weeks of paid family leave during the first year after birth of the individual's child, adoption of a child by the individual, or placement of a child with the individual through foster care, and eight weeks of paid family leave to care for the individual's family member with a serious health condition during any benefit year, paid through an employer-based private insurance program currently used to provide for temporary disability benefits. It repeals chapter 398, Hawaii Revised Statutes, and appropriates funds to the Department of Labor and Industrial Relations.

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.

We appreciate and understand the intent of this bill to allow for paid family leave in the workplace. In a recent SHRM employer survey, we have found that most employers offer a diverse mix of sick leave, vacation floating holiday, PTO, and paid family leave. These benefits are in addition to benefits required under Hawaii Family Leave Law and Family and Medical Leave Act.

SHRM has serious concerns and expresses to the Committee that Hawaii employers already pay TDI premiums based on payroll up to the allowable wage base. Expanding and muddying the



waters to blend TDI benefits to now include family leave will not only increase administrative compliance but employers would likely see increases in TDI premium rates.

Given the lack of substantiated data on the adverse impact of mandatory paid family leave on Hawaii employers, we should consider the aggregation of data and claims from the [Paid Family Leave Program Impact Study](#) released in November 2019. The study conducted comparative analysis of state plan models but did not provide any quantitative assessment on the Hawaii's current claims environment.

The study recognizes the challenges employers face in coordinating multiple paid leave laws and suggests that the State consider a broad range of issues when deciding how to implement paid family leave in Hawaii but makes no reference to key analysis on family leave data in Hawaii such as employers who already have policies and procedures that enables an employee to take family leave to care for a family member in need.

SHRM Hawaii has concerns about the details of the proposed bill and would like to defer until further discussion and investigation into the need of such leave and the ways to make any such policy effective.

Thank you for this opportunity to provide testimony.

Kalani Morse  
Legislative Affairs Committee Co-Chair

Dailyn Yanagida  
Legislative Affairs Committee Co-Chair





THE SENATE  
THE THIRTY-FIRST LEGISLATURE  
REGULAR SESSION OF 2022

Committee on Labor, Culture and the Arts  
Senator Brian T. Taniguchi, Chair  
Senator Les Ihara, Jr., Vice Chair

Wednesday, February 9, 2022, 3:00PM  
Conference Room 225 and Videoconference

**Re: Testimony in Support of SB3316 - RELATING TO FAMILY LEAVE**

Chair Taniguchi, Vice Chair Ihara, and Members of the Committee:

The United Public Workers, AFSCME Local 646, AFL-CIO (“UPW”) is the exclusive bargaining representative for approximately 14,000 public employees, which includes blue collar, non-supervisory employees in Bargaining Unit 1 and institutional, health, and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represents 1,500 members in the private sector.

UPW **supports** SB3316, which provides employees with up to eight weeks of paid family leave during the first year after birth of the individual’s child, adoption of a child by the individual, or placement of a child with the individual through foster care, and eight weeks of paid family leave to care for the individual’s family member with a serious health condition during any benefit year, paid through an employer-based private insurance program currently used to provide for temporary disability benefits.

While many union members in Hawaii are fortunate to have access to paid sick days, the ongoing COVID-19 pandemic has illustrated the need for workers to have the opportunity to receive time off to address their and their family members’ health care worries. Allowing employees the opportunity to take time off to care for an illness not only protects the employee, but also protects their families, coworkers, and customers by reducing the likelihood of spreading an illness further.

Thank you for the opportunity to provide testimony.

Sincerely,

Liz Ho

Administrator

**UNITED PUBLIC WORKERS**  
**AFSCME Local 646, AFL-CIO**





Testimony to the Senate Committee on Labor  
Wednesday, February 9, 2022  
3:00 pm  
Via Videoconference

Comments Re: SB 3316, Relating to Family Leave

To: The Honorable Brian Taniguchi, Chair  
The Honorable Les Ihara, Jr., Vice-Chair  
Members of the Committees

My name is Stefanie Sakamoto, and I am testifying on behalf of the Hawaii Credit Union League, the local trade association for 48 Hawaii credit unions, representing over 860,000 credit union members across the state.

HCUL offers the following comments on SB 3316, Relating to Family Leave. This bill would provides employees with up to eight weeks of paid family leave during the first year after birth of the individual's child, adoption of a child by the individual, or placement of a child with the individual through foster care, and eight weeks of paid family leave to care for the individual's family member with a serious health condition during any benefit year, paid through an employer-based private insurance program currently used to provide for temporary disability benefits.

Combining any state family leave mandate with the federal Temporary Disability Insurance program would be confusing, and extremely difficult to administer. This would cause the unintended consequence of employers needing to scale back in other ways in order to comply with the administrative and business expense.

Thank you for the opportunity to provide comments on this issue.



Breastfeeding Hawaii  
P.O. Box 4270  
Kaneohe, Hawaii 96744

TO: Senator Brian T. Taniguchi Chair.  
Senator Les Ihara, Jr., Vice Chair  
Members of the Committee on Labor, Culture and the Arts

FROM: Patricia Bilyk, RN, MPH, MSN, IBCLC (Retired)  
Breastfeeding Hawaii Treasurer  
Maternal Infant Clinical Nurse Specialist

RE: SB 3316 Relating to Family Leave

Good Afternoon Chair Taniguchi, Vice Chair Ihara, and Members of the Committee on Labor, Culture and the Arts. I am Patricia Bilyk, Treasurer of Breastfeeding Hawaii. Today I am speaking for Breastfeeding Hawaii IN SUPPORT of SB 3316 and suggesting the following amendments:

- 1) Provide a more comprehensive paid family leave system to include 16 weeks of paid leave.
- 2) Include under 392-21 Establishment of family leave, family leave benefits, and temporary disability benefits (2) (b) postdelivery of a preterm infant.

Breastfeeding Hawaii is a non profit 501c3 organization which supports, protects and promotes breastfeeding in the State of Hawaii. The organization further works to educate the public, businesses and health professionals on the long term value of breastfeeding to our community, and the woman and her infant, and the importance of a longer leave period for the new mother before returning to work to establish her relationship with her infant.

Daily the board of Breastfeeding Hawaii, and other breastfeeding supporters in our State, work with families who must choose between taking time away from work to care for their new baby, preterm or a sick infant and receiving a paycheck. No one should be in that position!

At the present time, 9 states, the District of Columbia and the Federal Government have adopted Paid Family Leave Programs. The US, as a country, is the only high income nation in the world that does not universally offer a Paid Family Leave Program for all employees.

According to the Society for Human Resources Managers 2019-Employee Benefits Survey, more employees are demanding Paid Family Leave. According to this Survey, Paid Family Leave was associated with 1) increased worker productivity, 2) increased engagement in the workplace/job and 3) better physical wellness.

Hawaii needs to adopt a job protected, partial wage replacement Paid Family Leave Program. Such a program guarantees that the employee, often a woman, is able to care for herself, her baby, or a spouse with a serious illness or an elderly dying parent without concern for surviving without pay for a prolonged period of time.

Components of a Paid Leave Program would include but are not limited to:

- \*\*16 weeks wage replacement
- \*\*all businesses small and large participate
- \*\*all employees contribute
- \*\*covers life events such as new baby, sick spouse, etc
- \*\*broad definition of family
- \*\*job protection
- \*\*opt in for self employed individual
- \*\*education for employers and employees on program
- \*\*progressive wage replacement

We strongly encourage this Committee to be pono and do the right thing for Hawaii families this year by creating a MUCH NEEDED Paid Family Leave Program that is sensitive to the needs of all families! The time is NOW to have such a Statewide Program.

Thank you for this opportunity to testify.





1050 Bishop St. PMB 235 | Honolulu, HI 96813  
P: 808-533-1292 | e: info@hawaiiifood.com

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**Toby Taniguchi**, KTA Superstores, *Advisor*  
**Joe Carter**, Coca-Cola Bottling of Hawaii, *Immediate Past Chair*

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TO: Committee Labor, Culture, and the Arts  
Senator Brian T. Taniguchi, Chair  
Senator Les Ihara, Jr., Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION  
Lauren Zirbel, Executive Director

DATE: February 9, 2022  
TIME: 3pm  
PLACE: Via Videoconference

RE: SB3316 Relating to Family Leave

Position: Oppose

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

HFIA is in opposition to this measure. Our state's businesses and economy are still struggling. The recovery process from the economic crisis caused by the COVID-19 pandemic will take years. The complete shutdown of tourism the state's primary economic driver, the ongoing labor shortage, and the supply chain crisis have all hit our local businesses hard. Many have closed, and unfortunately more are likely to close in the years before we make a full economic recovery.

Hawaii employers already bear some of the highest employee health care costs in the Country, and average wages in our state are at an all time high. Our local businesses and economy cannot take another state mandate that will further increase the cost of labor. Our member companies want to keep providing jobs and keep serving their customers and their communities. Now is not the time for the state to make it harder for them to do that.

We ask that this measure be held and we thank you for the opportunity to testify.



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Hawaii Petroleum, LLC

Testimony of Eric Wright  
President of the Hawaii Petroleum Marketers Association (HPMA)

### **SB 3316 - RELATING TO FAMILY LEAVE OPPOSES**

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

Wednesday, February 9, 2022 at 3:00 p.m.

Aloha Chair Taniguchi, Vice Chair Ihara, Jr., and Members of the Committee:

I am Eric Wright, president of the Hawaii Petroleum Marketers Association (HPMA). HPMA is a nonprofit trade association comprised of members who market motor fuel products across Hawaii.

Senate Bill 3316 amend Chapter 392, Hawaii Revised Statutes (HRS), to require employers to provide paid family leave insurance coverage to employees in addition to existing Temporary Disability Insurance (TDI) coverage requirements.

#### **HPMA respectfully opposes Senate Bill 3316.**

Hawaii employers already pay TDI premiums based on payroll up to the allowable wage base. Expanding TDI benefits to also include 8 weeks of paid family leave will not only increase administrative compliance, but, more importantly, employers may likely be shouldered the burden of increases in TDI premium rates.

To be more specific, an additional 8 weeks of paid leave not only adds costs, which will most likely be passed on to consumers, but will require approximately 15% more labor to cover for employees while on paid leave for 8 weeks. In today's labor market, there is already a labor shortage, and if these positions cannot be filled, services will be reduced, which will negatively impact consumers.

HPMA members appreciate that some employees may sometimes need to take time off for reasons that are not currently mandated. Companies work with their employees to figure out scheduling that works for them and some also offer paid leave programs as a means for attracting and retaining workers.

Adding a new program will not only cost the State money but will prolong economic recovery as businesses reel from competitive workforce, national and local inflation, and increased costs and delays associated with goods and commodities flowing to Hawaii.

Thank you for allowing HPMA the opportunity to present written testimony.



**SENATE COMMITTEE ON LABOR  
Hawaii State Capitol  
415 South Beretania Street  
Via Videoconference  
3:00 PM**

February 9, 2022

RE: SB 3316, RELATING TO FAMILY LEAVE

Chair Taniguchi, Vice Chair Ihara, and members of the committee:

My name is Daryl Takamiya, 2022 President of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii.

**BIA Hawaii offers the following comments on SB 3316, Relating to Family Leave.** We recognize that there is a need within our community for support of people experiencing family health issues and other challenges. We also recognize how many local businesses are struggling already in our heavily even over-regulated environment. Any long-term family leave solution must recognize both of these fundamental truths. Thus, any family leave legislation should –

- Consider the other current legislative priorities as well as the current economic climate. For example, the current move to raise the minimum wage will already have a profound impact on employers. Combined with uncertainties faced in a post-Covid recovery and potential increases in Unemployment Insurance (UI) contributions, employers already face dramatic increases in cost of employment. The Legislature should realize these costs not only affect individual businesses but are passed on to the consumer as well. This will result in aggravating our current inflationary problems.
- Can **NOT** be the responsibility of the business to pay directly at the time of leave. Any plan should build off the existing Temporary Disability Insurance (TDI) or UI model. Whereby **Employers and Employees** pay into a fund that can be tapped at the time of leave. Any model that requires employers to pay the cost of leave directly at the time of leave will devastate small businesses.
- Require a **minimum period of employment** to be eligible to receive benefits. It would be unconscionable for people to reap more benefit from a system than they have put into it. This minimum period of employment prior to eligibility should at least equal the maximum period of possible benefits. It should recognize potential beneficiaries total employment rather than just their most recent position.

- Needs to strike a balance between providing adequate support for those in need, while also discouraging abuse of the system by bad actors. In no event should Family Leave benefits exceed UI benefits. It should also be noted that the longer the potential term of leave used will be, the better it would be to step down benefits over time. For example, provide more robust support in the first 8 weeks with a reduction of a set percentage for each ensuing 8 week period.
- While the amount of family leave time potentially available is being considered under any legislation, it needs to provide some checks and balances to verify need. Just as UI beneficiaries are required to show they have been looking for work, family leave beneficiaries should be required to demonstrate the ongoing need exists periodically through the leave process.
- Contain a required notice from **Employers to Employees** of at least 4 weeks prior to return to work. Employers will need this time to accommodate any short-term staffing changes made during the period of leave.

We appreciate the opportunity to provide our comments on this matter.

tel. 808-629-7501  
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[info@biahawaii.org](mailto:info@biahawaii.org)

**SB-3316**

Submitted on: 2/8/2022 10:57:28 PM

Testimony for LCA on 2/9/2022 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Todd Taniguchi	Individual	Support	No

Comments:

Paid family leave is extremely important, and as a parent of a NICU baby, I support it strongly but ask you to also review and hear SB2831.

8 weeks is insufficient for families with children hospitalized in the neonatal intensive care unit (NICU) for weeks or months.

Prematurely born children like mine are hospitalized for weeks/months in the NICU. 10% of live births in Hawai`i are prematurely born. 1.2% are born very prematurely and typically spend months in the NICU.

During this time, it is critical for the long-term outcomes for these childrens and their mothers that they have time to provide daily skin-to-skin kangaroo care and breastmilk expression. Research shows that mothers who provide this support can shorten the length of stay in the NICU by 1 week, saving the healthcare system about \$50,000 to \$60,000.

However, it is a full-time job and very tiring. To maintain breastmilk supply, a mother must express breastmilk every 3 hours, 8 times a day, typically with the use of a breastpump. This needs to continue WITH NO BREAKS or the mother will risk losing her breastmilk supply. They are not getting more than 4 hours of sleep for months on end if they are faithfully providing milk for their child. This also does not include the typical 1-2 hours of daily kangaroo care the child needs.

Consider modifying the definition of disability to include a mother providing care through breastmilk expression and kangaroo care in the NICU. This can be verified by the in-hospital care team observing this care directly. Also, consider allowing these mother another 6-8 weeks of bonding time after the child's discharge from the hospital to allow a period of adjustment, bonding, and continued opportunity to provide care and support for the child. It would be more closely represent the time a mother of a healthy newborn is currently afforded.



February 9, 2022

Senator Brian T. Taniguchi, Chair  
Senator Les Ihara, Jr., Vice Chair  
Senate Committee on Labor, Culture and the Arts

**Re: S.B. 3316, RELATING TO FAMILY LEAVE**

**Hearing: Wednesday, February 9, 2022, 3:00 p.m.** (Conference Room 225 and videoconference)

Dear Chair Taniguchi, Vice Chair Ihara, and Members of the Committee on Labor, Culture and the Arts:

Hawaii Women Lawyers (“HWL”) **supports S.B. 3316**, which provides employees with up to eight weeks of paid family leave during the first year after birth of the individual's child, adoption of a child by the individual, or placement of a child with the individual through foster care, and eight weeks of paid family leave to care for the individual's family member with a serious health condition during any benefit year.

The mission of Hawaii Women Lawyers is to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

HWL supports efforts to expand paid family leave. As recognized in the proposed bill, while current federal/state law provides unpaid leave for employees, the majority of Hawaii's workforce cannot afford to take unpaid leave, and women, who are often the primary caregivers of infants, children, and elderly parents, are affected disproportionately by the absence of paid family leave. It is well-documented that the development and advancement of women in the legal profession, as well as in other careers, is substantially impeded by the lack of affordable caretaking options. The pandemic has only increased the caretaking responsibilities taken on by women, who are also trying to maintain their jobs and careers to provide for themselves and/or their families. HWL supports this bill, which would provide much-needed support for caretakers.

Thank you for the opportunity to submit testimony on this measure.



# MAUI

CHAMBER OF COMMERCE

**VOICE OF BUSINESS**

**HEARING BEFORE THE SENATE COMMITTEE ON  
LABOR, CULTURE AND THE ARTS  
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 225  
WEDNESDAY, FEBRUARY 9, 2022 AT 3:00 P.M.**

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

**OPPOSE SB3316 RELATING TO FAMILY LEAVE**

The Maui Chamber of Commerce opposes SB3316 which provides employees with up to eight weeks of paid family leave during the first year after birth of the individual's child and eight weeks of paid family leave to care for the individual's family member with a serious health condition, paid through an employer-based private insurance program currently used to provide for temporary disability benefits.

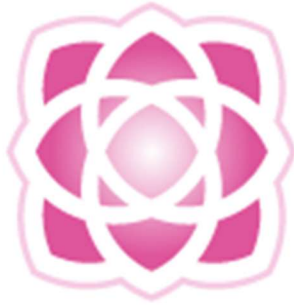
We appreciate and understand the intent of this bill to allow for paid family leave in the workplace. However, we have serious concerns that this measure is not a reasonable, manageable, or an affordable approach in addressing those needs, either from an employee or employer perspective, as well as from a one-size-fits-all approach by broadening the TDI benefits to now extend them to family leave.

Hawaii employers already pay TDI premiums based on payroll up to the allowable wage base. Expanding TDI benefits to now include family leave will not only increase administrative compliance, but, more importantly, employers will likely be shouldered the burden of increases in TDI premium rates to the proposed extended coverage to family leave.

The majority of businesses with whom the Chamber is speaking already have a large to severe worker shortage. These small businesses are barely able to get by without having the extra insurance burden; this on top of a proposed continuous increase of minimum wage based on existing pending legislation.

It is important to note that many businesses already offer paid leave programs as a means for attracting and retaining their workforce especially with the current COVID-19 employment environment. In a poll conducted last year, Chambers found that a majority of business provide some type of leave, such as PTO, paid sick leave, vacation, paid family leave, etc.

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



# MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

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 rather than by placing yet another mandate on employers and businesses.

Sincerely,

*Pamela Tumpap*

Pamela Tumpap  
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.