

MAR 10 2023

SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO CONDUCT A STUDY ON THE IMPLEMENTATION OF A STATE PROGRAM THAT REQUIRES EMPLOYERS TO PROVIDE A MINIMUM AMOUNT OF PAID SICK LEAVE AND SUPPLEMENTAL PAID SICK LEAVE TO EMPLOYEES, WITH A FOCUS ON THE EFFECTS OF MANDATORY PAID SICK LEAVE ON SMALL BUSINESSES AND LOW-INCOME EMPLOYEES.

1 WHEREAS, most workers in the State, at some time during the
2 year, need temporary time off from work to take care of personal
3 health needs or the health needs of family members; and
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5 WHEREAS, under the federal Family and Medical Leave Act of
6 1993, as amended (FMLA), certain employees who work for
7 employers with fifty or more employees are eligible for twelve
8 weeks of unpaid job-protected leave for qualifying reasons such
9 as a serious health condition of the employee that makes the
10 employee unable to perform the functions of the employee's job;
11 to care for the employee's spouse, son, daughter, or parent with
12 a serious health condition; qualifying exigency arising out of
13 the fact that the employee's spouse, son, daughter, or parent is
14 a military member on covered active duty; the birth of a child
15 and to bond with the newborn child; and placement with the
16 employee of a child for adoption or foster care and to bond with
17 the newly placed child; and
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19 WHEREAS, under chapter 398, Hawaii Revised Statutes,
20 Hawaii's family leave law, certain employees who work for
21 employers with one hundred or more employees are eligible for up
22 to four weeks of unpaid job-protected leave for qualifying
23 reasons such as the birth of a child of the employee or the
24 adoption of a child; and to care for the employee's child,
25 spouse, reciprocal beneficiary, sibling, grandchild, or parent
26 with a serious health condition; and
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28 WHEREAS, the FMLA and Hawaii's family leave law, however,
29 do not require the protected leave to be paid leave; and
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31 WHEREAS, paid sick leave refers to short-term time off from
32 work that workers can use when they are sick, injured, or



1 receiving medical treatment, including mental health and
2 preventive care; and

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4 WHEREAS, workers also may be able to use their sick leave
5 to care for a family member; and

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7 WHEREAS, according to the federal Bureau of Statistics,
8 approximately twenty-three percent of private industry workers
9 in the United States do not have access to paid sick leave; and

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11 WHEREAS, paid sick leave becomes scarcer for workers with
12 lower earnings; in fact, among those in the lowest ten percent
13 of earners, just thirty-eight percent have any paid sick time;
14 and

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16 WHEREAS, working family caregivers cannot adequately care
17 for their relatives without access to paid sick leave; and

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19 WHEREAS, the coronavirus disease 2019 pandemic has
20 magnified the need for paid sick leave; and

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22 WHEREAS, existing state law does not require employers to
23 provide employees with paid sick leave; and

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25 WHEREAS, fourteen states, including Arizona, California,
26 Colorado, Connecticut, Maryland, Massachusetts, Michigan, New
27 Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, and
28 Washington, and Washington, D.C. have enacted paid family and
29 medical leave laws; and

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31 WHEREAS, establishment of a state paid sick leave law that
32 provides workers with the right to paid sick leave is essential
33 to:

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- 35 (1) Ensure that all workers in the State can address their
36 own health needs and the health needs of their
37 families by requiring employers to provide a minimum
38 level of paid sick leave, including time for family
39 care;

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- 1 (2) Diminish public and private health care costs in the
2 State by enabling workers to seek early and routine
3 medical care for themselves and their family members;
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- 5 (3) Protect public health in the State by reducing the
6 risk of contagion;
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- 8 (4) Promote economic security and stability of workers and
9 their families in the State;
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- 11 (5) Protect employees in the State from losing their jobs
12 when they use sick leave to care for themselves or
13 their families; and
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- 15 (6) Safeguard public welfare, health, safety, and the
16 prosperity of the people of the State;
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18 now, therefore,
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20 BE IT RESOLVED by the Senate of the Thirty-second
21 Legislature of the State of Hawaii, Regular Session of 2023,
22 that the Department of Labor and Industrial Relations is
23 requested to conduct a study on the implementation of a state
24 program that requires employers to provide a minimum amount of
25 paid sick leave and supplemental paid sick leave to employees,
26 with a focus on the effects of mandatory paid sick leave on
27 small businesses and low-income employees; and
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29 BE IT FURTHER RESOLVED that the study is requested to
30 consider the federal Fair Labor Standards Act, Hawaii Prepaid
31 Health Care Act, and various federal and state laws on health
32 benefits, temporary disability, and workers compensation with
33 the purpose of providing sick leave to all employees, as defined
34 in section 398-1, Hawaii Revised Statutes, including the
35 coverage of employers and employees not covered by collective
36 bargaining units; and
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38 BE IT FURTHER RESOLVED that the Department of Labor and
39 Industrial Relations is requested to invite the following
40 organizations to participate in the study:
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- 42 (1) Hawaii Restaurant Association;



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- 2 (2) Retail Merchants of Hawaii, Inc.;
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- 4 (3) UNITE HERE Local 5;
- 5
- 6 (4) Hawaii Children's Action Network Speaks;
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- 8 (5) Hawaii Workers Center; and
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- 10 (6) Any other employer, representative, or agency deemed
- 11 appropriate by the Department of Labor and Industrial
- 12 Relations; and
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14 BE IT FURTHER RESOLVED that the Department of Labor and
 15 Industrial Relations is requested to submit a report of its
 16 findings and recommendations, including any proposed
 17 legislation, to the Legislature no later than twenty days prior
 18 to the convening of the Regular Session of 2024; and

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 20 BE IT FURTHER RESOLVED that certified copies of this
 21 Resolution be transmitted to the Director of Labor and
 22 Industrial Relations; Executive Director of the Hawaii
 23 Restaurant Association; President of Retail Merchants of Hawaii,
 24 Inc.; President of UNITE HERE Local 5; President of Hawaii
 25 Children's Action Network Speaks; and Chair of the Executive
 26 Committee of the Board of the Hawaii Workers Center.

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OFFERED BY:


