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# A BILL FOR AN ACT

RELATING TO FAMILY LEAVE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that Hawaii's working  
2 families are not adequately supported during times of caregiving  
3 and illness. According to a 2018 report commissioned by Aloha  
4 United Way, entitled "ALICE [Asset Limited, Income Constrained,  
5 Employed] a Study of Financial Hardship in Hawaii", forty-two  
6 per cent of families in Hawaii are living paycheck to paycheck.  
7 While the federal Family and Medical Leave Act of 1993 allows  
8 twelve weeks of unpaid leave to employees who have worked at a  
9 business that employs fifty or more employees, the majority of  
10 Hawaii's workforce cannot afford to take unpaid leave to care  
11 for a new child or attend to the needs of a family member with a  
12 serious health condition. Hawaii law, which offers a modest  
13 four-week extension of unpaid leave, is available only to  
14 employees of large employers with more than one hundred  
15 employees.

16           The legislature further finds that in 2018, only seventeen  
17 per cent of workers in the United States had access to paid



1 family leave through their employers. Women, as primary  
2 caregivers of infants, children, and elderly parents, are  
3 disproportionately affected by the absence of paid family and  
4 medical leave. According to AARP Hawaii, there are  
5 approximately 157,000 unpaid family caregivers in the State.  
6 Hawaii has one of the fastest growing populations over the age  
7 of sixty-five in the nation; from 2020 to 2030, the percentage  
8 of people age sixty-five and over is expected to increase from  
9 19.1 per cent to 22.5 per cent of the State's population.  
10 Nearly one third of those who need but do not have access to  
11 family leave will need the time off to care for an ill spouse or  
12 elderly parent.

13 The legislature additionally finds that the coronavirus  
14 disease 2019 (COVID-19) spread globally and was declared a  
15 pandemic by the World Health Organization on March 11, 2020.  
16 Upon reaching Hawaii's shores, COVID-19 became a public health  
17 emergency that infected thousands of people, overwhelmed  
18 hospital capacities, created medical supply shortages, and  
19 claimed the lives of numerous Hawaii residents. Enacting a  
20 comprehensive family leave program would allow employees whose



1 family members are impacted by serious health conditions to  
2 provide adequate care for their loved ones.

3 Accordingly, the purpose of this Act is to:

4 (1) Require the department of labor and industrial  
5 relations to study the development of a family leave  
6 insurance program that pays family leave insurance  
7 benefits and submit a report to the legislature prior  
8 to the regular session of 2024; and

9 (2) Appropriate funds and establish positions in the  
10 department of labor and industrial relations to  
11 conduct the study.

12 SECTION 2. (a) The department of labor and industrial  
13 relations shall study the development of a family leave  
14 insurance program within the State that pays family leave  
15 insurance benefits.

16 (b) The department of labor and industrial relations shall  
17 submit a report of its findings and recommendations, including  
18 any proposed legislation, to the legislature on its status and  
19 progress in developing a family leave insurance program no later  
20 than twenty days prior to the convening of the regular session  
21 of 2024. The report shall address the development of a family



1 leave insurance program that pays family leave insurance  
2 benefits, including but not limited to:

- 3 (1) The type of fund to be established;
- 4 (2) How the fund will be funded;
- 5 (3) Contribution rates;
- 6 (4) Coverage; and
- 7 (5) Non-duplication with other health benefits, such as:
  - 8 (A) Sick leave;
  - 9 (B) Temporary disability insurance; and
  - 10 (C) Other benefits under collective bargaining units.

11 SECTION 3. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$ or so  
13 much thereof as may be necessary for fiscal year 2023-2024 and  
14 the same sum or so much thereof as may be necessary for fiscal  
15 year 2024-2025 for the establishment of full-time  
16 equivalent ( FTE) positions to conduct the study under  
17 section 2 of this Act to expand the family leave program  
18 established pursuant to chapter 398, Hawaii Revised Statutes,  
19 through a family leave insurance program.

20 The sums appropriated shall be expended by the department  
21 of labor and industrial relations for the purposes of this Act.



1 SECTION 4. This Act shall take effect on January 1, 2050.



**Report Title:**

Department of Labor and Industrial Relations; Family Leave Insurance Program; Family Leave; Positions; Study; Appropriation

**Description:**

Requires the Department of Labor and Industrial Relations (DLIR) to study and submit a report to the Legislature that addresses the development of a family leave insurance program that pays family leave insurance benefits prior to the Regular Session of 2024. Appropriates funds and establishes positions within DLIR to conduct the study. Effective 1/1/2050. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

