
SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO
CONVENE A WORKING GROUP TO DEVELOP RECOMMENDATIONS FOR
ESTABLISHING AND IMPLEMENTING A PAID FAMILY AND MEDICAL
LEAVE PROGRAM FOR THE STATE.

1 WHEREAS, the United States is the only remaining
2 industrialized nation without mandated access to paid family and
3 medical leave benefits for private sector employees under
4 federal law; and

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6 WHEREAS, paid family and medical leave programs have been
7 enacted in thirteen states and Washington, D.C. as of January
8 2024; and

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10 WHEREAS, existing State law does not require employers to
11 provide paid family and medical leave to employees; and

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13 WHEREAS, the federal Family and Medical Leave Act of 1993
14 (FMLA) requires employers with fifty or more employees to
15 provide unpaid family and medical leave to their employees and
16 existing Hawaii law requires employers with one hundred or more
17 employees to provide unpaid family leave to their employees; and

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19 WHEREAS, ninety-six percent of private employers in the
20 State, however, have fewer than fifty employees, and are
21 therefore not statutorily required to provide unpaid family and
22 medical leave under the FMLA or family leave under existing
23 state law; and

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25 WHEREAS, as a result, only one in four private sector
26 workers in the State have access to paid family and medical
27 leave, voluntarily provided by their employers; and

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29 WHEREAS, according to a May 2020 report published by the
30 AARP and National Alliance for Caregiving, there are nearly



1 forty-eight million family caregivers in the United States, of
2 which sixty-one percent are working while juggling caregiving
3 responsibilities; and
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5 WHEREAS, a family caregiver is a relative, partner, friend,
6 or neighbor who has a significant personal relationship with,
7 and who provides a broad range of assistance for, an older
8 person or an adult with a chronic, disabling, or serious health
9 condition; and
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11 WHEREAS, family caregivers are the backbone of the
12 long-term care system in the State, especially in the context of
13 the ongoing health care workforce shortage; and
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15 WHEREAS, according to the Valuing the Invaluable: 2023
16 Update report published by AARP in March 2023, there are 154,000
17 family caregivers in the State, contributing 144 million hours
18 of unpaid services, worth an estimated \$2.6 billion; and
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20 WHEREAS, family caregivers face many physical, emotional,
21 and financial challenges, especially because they are often
22 required to balance unpaid caregiving duties with employment and
23 other personal responsibilities; and
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25 WHEREAS, a survey conducted in 2023 by AARP and S&P Global
26 showed that sixty-seven percent of family caregivers are having
27 difficulty balancing their jobs with caregiving duties;
28 twenty-seven percent of working caregivers have shifted from
29 full-time to part-time work or have reduced work hours and
30 sixteen percent have turned down a promotion; sixteen percent
31 have stopped working entirely for a period of time; and thirteen
32 percent have changed employers to meet caregiving
33 responsibilities; and
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35 WHEREAS, during the past two decades, heightened attention
36 has been given to the dual responsibilities of "sandwich
37 generation" caregivers, who are family caregivers sandwiched
38 between a younger generation--children or grandchildren they
39 care for--and an older one--an older family member or friend for
40 whom they also provide care; and
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1 WHEREAS, in 2019, thirty percent of family caregivers in
2 the United States were sandwich generation caregivers, who
3 generally span ages thirty-five to sixty-four and are more
4 likely than other caregivers to be working while performing
5 their caregiving responsibilities; and
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7 WHEREAS, as a result of the dual-generation care demands,
8 sandwich generation caregivers report higher levels of emotional
9 and financial strain; and
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11 WHEREAS, inequity in the existing socioeconomic structure
12 and support infrastructure are also subjecting working women and
13 people of color to be unequally burdened by caregiving duties
14 and economic hardships due to caregiving; and
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16 WHEREAS, a paid family and medical leave program would
17 enable family caregivers to take a limited period of time off
18 from work to care of loved ones without fear of losing their
19 jobs or income; and
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21 WHEREAS, paid family and medical leave programs are
22 associated with improved outcomes in the earliest years of life
23 for individuals, including higher rates of breastfeeding and
24 immunization and lower rates of child abuse, domestic violence,
25 and financial instability; and
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27 WHEREAS, in the face of the current workforce shortage, a
28 paid family and medical leave program would incentivize
29 individuals to join the labor market and improve employee
30 retention, filling gaps and saving employers long-term
31 recruitment and training costs; and
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33 WHEREAS, most small businesses in the State however, cannot
34 finance a privately-funded paid family and medical leave
35 insurance program that can provide benefits for all of their
36 employees; and
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38 WHEREAS, a state-administered paid family and medical leave
39 program would benefit the State's workforce while reducing the
40 financial burden for employers compared to a privately funded
41 alternative; now, therefore,
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1 BE IT RESOLVED by the Senate of the Thirty-third
2 Legislature of the State of Hawaii, Regular Session of 2025, the
3 House of Representatives concurring, that the Department of
4 Labor and Industrial Relations is requested to convene a working
5 group to develop recommendations for establishing and
6 implementing a paid family and medical leave program for the
7 State; and

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9 BE IT FURTHER RESOLVED that the Department of Labor and
10 Industrial Relations is requested to conduct an actuarial study
11 of the State's workforce, employers, potential beneficiaries,
12 and other elements necessary to implement a paid family and
13 medical leave program; and

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15 BE IT FURTHER RESOLVED that the working group is requested
16 to:

- 17
18 (1) Recommend parameters for a statewide paid family and
19 medical leave program that benefits both public and
20 private sector workers;
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22 (2) Review the impacts of federal and state laws,
23 including the federal Employee Retirement Income
24 Security Act of 1974; federal Family and Medical Leave
25 Act of 1993; Prepaid Health Care Act, codified at
26 chapter 393, Hawaii Revised Statutes; and Hawaii
27 Family Leave Law, codified at chapter 398, Hawaii
28 Revised Statutes; federal and state regulations; and
29 any relevant programs, on the establishment of a paid
30 family and medical leave program;
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32 (3) Review independent studies, research, and other
33 information regarding paid family and medical leave;
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35 (4) Develop an implementation plan that considers the
36 findings of the actuarial study conducted by the
37 Department of Labor and Industrial Relations and
38 outlines an administrative framework for paid family
39 and medical leave, including departmental oversight,
40 projected costs, employer and employee contribution
41 rates, staffing needs, outreach to employers and



employees, and potential timelines for program enactment and the initiation of benefits distribution;

(5) Examine and address how the State's Temporary Disability Insurance (TDI) program may interface with or complement the paid family and medical leave program, including the feasibility, cost-benefit analysis, and a general roadmap for transitioning the existing private TDI program to an expanded public program that includes or complements paid family and medical leave benefits; and

(6) Review any other relevant subject matter items it deems necessary to fulfill its purpose of developing recommendations for the establishment and implementation of a paid family and medical leave program for the State; and

BE IT FURTHER RESOLVED that the working group is requested to be composed of the following members:

(1) The Director of Labor and Industrial Relations, or the Director's designee, to serve as chairperson of the working group;

(2) The Chair of the House of Representatives Standing Committee on Labor, or the Chair's designee;

(3) The Chair of the Senate Standing Committee on Labor and Technology, or the Chair's designee;

(4) The Director of Human Resources Development;

(5) A representative from the Hawaii State Teachers Association, to be invited by the chairperson of the working group;

(6) A representative from the United Public Workers, AFSCME Local 646, AFL-CIO, to be invited by the chairperson of the working group;



- (7) A representative from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO, to be invited by the chairperson of the working group;
- (8) A representative from Aloha United Way, to be invited by the chairperson of the working group;
- (9) A representative from the American Association of University Women of Hawaii, to be invited by the chairperson of the working group;
- (10) A representative from an organization representing the interests of businesses with fewer than fifty employees, to be selected and invited by the Senate President;
- (11) A representative from an organization representing the interests of businesses with fewer than fifty employees, to be selected and invited by the Speaker of the House of Representatives;
- (12) A representative from AARP Hawaii, to be invited by the chairperson of the working group;
- (13) A representative from the University of Hawaii Professional Assembly, to be invited by the chairperson of the working group;
- (14) A representative from Hawaii Children's Action Network Speaks!, to be invited by the chairperson of the working group;
- (15) A representative from a private insurance company offering Temporary Disability Insurance benefits in the State or an association of insurers, to be selected and invited by the Governor; and
- (16) Any other individual whom the chairperson of the working group deems necessary or to have relevant experience, knowledge, or expertise, to be selected and invited by the chairperson of the working group; and



1 BE IT FURTHER RESOLVED that the working group is requested
2 to identify parameters for a paid family and medical leave
3 program, including:

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- 5 (1) A minimum duration of leave that meets the needs of
6 the State's workers;
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- 8 (2) A system of wage replacement;
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- 10 (3) Coverage for a worker's serious illness, caring for a
11 loved one with a serious illness, bonding with a new
12 child, and needs arising from military deployment and
13 the effects of domestic violence, stalking, and sexual
14 assault;
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- 16 (4) Coverage for all employees of employers who employ one
17 or more employees, and a mechanism for the
18 participation of the self-employed;
- 19
- 20 (5) A definition of "family" or "family member" for whom
21 an individual may take leave for purposes of providing
22 care that is at least as broad as the definition in
23 chapter 398, Hawaii Revised Statutes, the existing
24 Hawaii Family Leave Law; and
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- 26 (6) Employment protections to ensure use of paid family
27 and medical leave does not adversely impact
28 employment; and
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30 BE IT FURTHER RESOLVED that the working group is requested
31 to utilize independent consultants and administrative
32 facilitators that may be contracted by the Department of Labor
33 and Industrial Relations, as needed, to:

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- 35 (1) Support the working group in performing its duties,
36 including but not limited to providing administrative
37 facilitation and assisting with the working group's:
- 38
- 39 (A) Review of relevant federal and state laws,
40 regulations, and programs;
- 41
- 42 (B) Comparative analyses;



(C) Development of recommendations on the parameters of the paid family and medical leave program, including compliance requirements, eligibility criteria, and other program requirements;

(D) Development of recommendations on the Department of Labor and Industrial Relations' staffing and operating requirements; and

(F) Drafting of the report of its findings and recommendations to the Legislature, including drafting of the proposed legislation; and

(2) Assist the Department of Labor and Industrial Relations in conducting the actuarial study as requested in this resolution; and

BE IT FURTHER RESOLVED that the working group is requested to submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2026; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor, President of the Senate, Speaker of the House of Representatives, Chair of the Senate Standing Committee on Labor and Technology, Chair of the House of Representatives Standing Committee on Labor, Director of Labor and Industrial Relations, and Director of Human Resources Development.

