



**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813

www.labor.hawaii.gov
Phone: (808) 586-8844 / Fax: (808) 586-9099
Email: dlir.director@hawaii.gov

February 20, 2020

To: The Honorable Sylvia Luke, Chair,
The Honorable Ty J.K. Cullen, Vice Chair, and
Members of the House Committee on Finance

Date: Thursday, February 20, 2020
Time: 12:00 p.m.
Place: Conference Room 308, State Capitol

From: Scott T. Murakami, Director
Department of Labor and Industrial Relations (DLIR)

Re: H.B. No. 2148 H.D. 1 RELATING TO FAMILY LEAVE

I. OVERVIEW OF PROPOSED LEGISLATION

HB2148 HD1 amends Section 398-1, Hawaii Revised Statutes (HRS), by adding a definition for "sibling" and amending the definition of "child" to include a grandchild.

The DLIR supports this measure.

II. CURRENT LAW

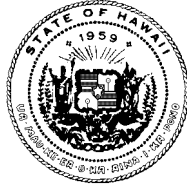
The Hawaii Family Leave Law (HFLL), Chapter 398, HRS, provides for four weeks of family leave for employees of employers with 100 or more employees, upon the birth of a child of the employee or adoption of a child, or to care for the employee's child, spouse, reciprocal beneficiary, sibling, or parent with a serious health condition.

III. COMMENTS ON THE HOUSE BILL

This measure extends protected leave under the HFLL to include care for a grandchild. The addition of a definition for "sibling" will facilitate with the HFLL as the Department has received inquiries about the term.

The Department notes that if this measure is enacted into law as drafted, it does not foresee a significant impact on staffing or resources.

DAVID Y. IGE
GOVERNOR



PANKAJ BHANOT
DIRECTOR

CATHY BETTS
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

February 18, 2020

TO: The Honorable Representative Sylvia Luke, Chair
House Committee on Finance

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 2148 HD1 - Relating to Family Leave**

Hearing: February 20, 2020, 12:00 p.m.
Conference Room 308, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this bill that will provide job protection for employees who must care for their grandchildren with a serious health condition. DHS appreciates the amendments of the Committee on Labor & Public Employment.

PURPOSE: Extends Hawaii family leave to include care for employees' grandchildren. Defines "sibling." Amends the definition of "child" to include grandchildren. Takes effect on January 1, 2020. (HD1)

DHS recognizes that Hawaii has the highest cost of living, one of the highest costs of housing, and the highest percentage of multi-generational households. Multi-generational caregiving responsibilities are primarily performed by working or employable family members, and families struggle with the decision to care for family members or forego income. The proposal reflects positive responsive change, recognizing Hawaii's multi-generational families may need additional job protections to care for their grandchildren suffering from a serious health condition.

AN EQUAL OPPORTUNITY AGENCY

This bill aligns with the department's 'Ohana Nui framework, which employs a multi-generational lens to human services delivery. The approach addresses the needs of children, parents, and grandparents early and concurrently, resulting in better outcomes for the family. Assessing and prioritizing the needs of the entire family to identify interventions and solutions is a major shift from the traditional siloed approach of government services.

DHS appreciates the Legislature's focus on expanding unpaid leave for family members and notes that this positive change in our leave laws will reduce certain stressors for caregivers to focus on the needs of their family members.

Thank you for this opportunity to testify in support of this measure.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirtieth Legislature, State of Hawaii
House of Representatives
Committee on Finance

Testimony by
Hawaii Government Employees Association

February 20, 2020

H.B. 2148, H.D. 1 – RELATING TO FAMILY LEAVE

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of H.B. 2148, H.D. 1 which permits an employee to utilize family leave in order to care for the employee's grandchild.

Currently, Chapter 398-3 of the Hawaii Revised Statutes allows for an employee to use four weeks of family leave upon the birth or adoption of a child or to care for a child, spouse, reciprocal beneficiary, sibling, or parent with a serious health condition, but does not include care for a grandchild. In some cases, an employee can retire comfortably prior to becoming a grandparent, but in many other cases, grandparents must work and are the primary caregiver of their grandchildren. We strongly support legislation that would allow employees the ability to utilize family leave to care for all of their family members – parents, siblings, spouses, children, and grandchildren.

Thank you for the opportunity to provide testimony in support of H.B. 2148, H.D. 1.

Respectfully submitted,

Randy Perreira
Executive Director

The Thirtieth Legislature
Regular Session of 2019

HOUSE OF REPRESENTATIVES

Committee on Finance

Rep. Sylvia Luke, Chair

Rep. Ty J.K. Cullen, Vice Chair

State Capitol, Conference Room 308

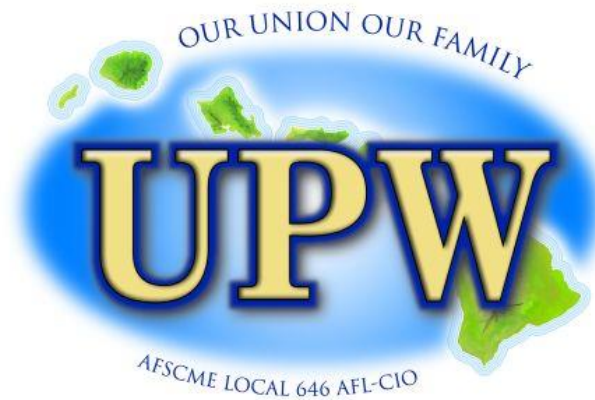
Thursday, February 20, 2020; 12:00 p.m.

**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 2148, H.D.1
RELATING TO FAMILY LEAVE**

The ILWU Local 142 **supports** H.B. 2148, H.D.1, which extends Hawaii family leave to include care for employees' grandchildren, defines "sibling" and amends the definition of "child" to include grandchildren.

It is important to be able to care for family members with serious health conditions including grandchildren. Often, grandchildren rely on their grandparents to take care of them during a time of illness and H.B. 2148, H.D.1 will officially allow them to use family leave for that purpose.

The ILWU Local 142 urges the passage of H.B. 2148, H.D.1. Thank you for the opportunity to offer testimony on this measure.



THE HAWAII STATE HOUSE OF REPRESENTATIVES

The Thirtieth Legislature
Regular Session of 2020

COMMITTEE ON FINANCE

Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Date of Hearing: Thursday, February 20, 2020
Time of Hearing: 12:00 p.m.
Place of Hearing: Conference Room 308
State Capitol
415 South Beretania Street

TESTIMONY ON HB2148 HD1 RELATING TO FAMILY LEAVE

By DAYTON M. NAKANELUA,
State Director of the United Public Workers,
AFSCME Local 646, AFL-CIO ("UPW")

My name is Dayton M. Nakanelua, State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO. The UPW is the exclusive bargaining representative for approximately 13,000 public employees, which include blue collar, non-supervisory employees in Bargaining Unit 01 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and four counties. The UPW also represents about 1,500 members in the private sector.

HB2148 HD1 extends Hawaii family leave to include care for employees' grandchildren. It amends the definition of "child" to include grandchildren. Families today include more than two generations of people because of the cost of living, lack of affordable housing, two parents working and a family-oriented culture. Grandchildren need to be cared for.

The UPW strongly supports this measure. Thank you for the opportunity to submit this testimony.

HB-2148-HD-1

Submitted on: 2/18/2020 1:59:46 PM

Testimony for FIN on 2/20/2020 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Younghi Overly	aaup of hawaii	Support	No

Comments:



TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 20, 2020

Re: HB 2148 HD1 Relating to Family Leave

Good afternoon Chair Luke and members of the House Committee on Finance. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii (RMH) as founded in 1901 and is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

The Retail Merchants of Hawaii opposes HB 2148 HD1 Relating to Family Leave. This measure extends Hawaii family leave to include care for employees' grandchildren; defines "sibling"; amends the definition of "child" to include grandchildren; and takes effect on January 1, 2050.

Employers are already required by law to provide Family Leave to employees that includes protected leave to care for family members who are ill. It is our understanding that this issue may be **already covered under Family and Medical Leave Act (FMLA) if (1) the grandparent is the legal guardian of the grandchild; OR (2) the grandparent stands in loco parentis (an individual who assumes parental status and responsibilities for another individual like a young person, without formally adopting that person to the grandchild, OR (3) the grandparent is caring for a child through psychological and emotional support by taking care of the child's child, that is, the grandchild.**

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 must pass the cost on by raising prices of goods and services. 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. We are anticipating that there will be a jump in minimum wage. We are already seeing businesses struggling from the increase in tariffs, organized retail crime, cost for employee health care benefits, goods and services that impact operations. In the last 3 years alone, the media reported on over 80 retail companies throughout the state that have closed at least one if not all their locations in Hawaii. Since the new year alone, we have seen even more large well known and national retail stores shutting down their Hawaii operation. What is not reported are the small mom & pop stores who are also closing their doors because they too can no longer afford to operate here in Hawaii. Policy makers should be focusing on eliminating obstacles to business growth, job creation and economic stability and not adding additional costs that employers cannot afford.

We respectfully ask that you hold this measure. Mahalo again for this opportunity to testify.



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

**HEARING BEFORE THE HOUSE COMMITTEE ON FINANCE
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 308
THURSDAY, FEBRUARY 20, 2020 AT 12:00 P.M.**

To The Honorable Sylvia Luke, Chair;
The Honorable Ty J.K. Cullen, Vice Chair; and
Members of the Committee on Finance,

TESTIMONY IN OPPOSITION TO HB2148 RELATING TO FAMILY LEAVE

Aloha, my name is Pamela Tumpap and I am the President of the Maui Chamber of Commerce, with approximately 650 members. I am writing share our opposition to HB2148.

The Maui Chamber of Commerce supports the Family & Medical Leave Act (FMLA) and encourages the Legislature to conduct a study and analyze the impacts of expanded family leave on businesses before passing a law that goes beyond FMLA. Therefore, we oppose HB2148 to expand family leave to include care for employees' grandchildren.

In addition, we are concerned that the bill in its current form does not specify that the family leave would only apply for grandparents who are the primary caregivers of their grandchildren.

We appreciate the opportunity to testify on this matter.

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.



Chamber of Commerce HAWAII

The Voice of Business

**Testimony to the House Committee on Finance
Thursday, February 20, 2020 at 12:00 P.M.
Conference Room 308, State Capitol**

RE: HB 2148 HD1, RELATING TO FAMILY LEAVE

Chair Luke, Vice Chair Cullen, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **provides the following comments for** HB 2148 HD1, which extends Hawaii family leave to include care for employees' grandchildren and defines "sibling" and amends the definition of "child" to include grandchildren.

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.

The Chamber understands the intent of this bill and notes that many businesses offer paid leave programs as a means for attracting and retaining their workforce especially with our low unemployment rates. 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.

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



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

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Charlie Gustafson, Tamura Super Market, *Vice Chair*
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Lauren Zirbel, HFIA, *Executive Director*
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Stan Brown, Acosta Sales & Marketing, *Advisor*
Paul Kosasa, ABC Stores, *Advisor*
Derek Kurisu, KTA Superstores, *Advisor*
Beau Oshiro, C&S Wholesale Grocers, *Advisor*
Toby Taniguchi, KTA Superstores, *Advisor*

TO:
Committee on Finance
Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: February 20, 2020
TIME: 12pm
PLACE: Conference Room 308

RE: HB2148 Relating to Family Leave

Position: Comments

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.

Our member companies appreciate that some employees may sometimes need to take time off for reasons that are not currently mandated. These companies work with their employees to figure out scheduling that works for them. Trying to mandate every possible reason that an employee could need time off, or every potential family situation is just not feasible. We also have concerns that there has been no study of how this type of expansion to family could impact Hawaii businesses or Hawaii's economy. Thank you for the opportunity to testify.

HB-2148-HD-1

Submitted on: 2/19/2020 2:54:36 PM

Testimony for FIN on 2/20/2020 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Zachary LaPrade	Calypso Charters	Oppose	No

Comments:

HB-2148-HD-1

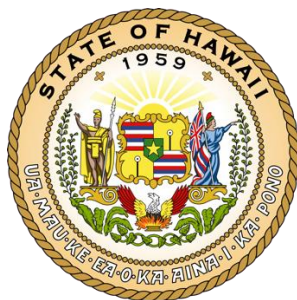
Submitted on: 2/18/2020 4:10:27 PM

Testimony for FIN on 2/20/2020 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl B.	Individual	Support	No

Comments:

As an educator and citizen of these islands, I am aware of so many grandparent caregivers. This is an important step. I support.



LATE

‘O kēia ‘ōlelo hō’ike no ke
Komikina Kūlana Olakino o Nā Wāhine

Testimony on behalf of the
Hawai‘i State Commission on the Status of Women

Prepared for the House Committee on Finance (FIN)

In Support of HB2148 HD1
Thursday, February 20, 2020, at 12:00 p.m. in Room 308

Dear Chair Luke, Vice Chair Cullen, and Honorable Members,

The Hawai‘i State Commission on the Status of Women supports HB2148 HD1 relating to family leave. This measure, if passed, would broaden coverage of Hawai‘i’s *unpaid* family leave law to include care for employee’s grandchildren.

The Commission recognizes that Hawai‘i ranks first in the nation for multigenerational families, and that there is a growing trend of grandparents acting as primary caregivers for their grandchildren. Currently, Hawai‘i’s family leave law does not allow grandparents to take protected leave to take care of their grandchildren. By allowing grandparents protected leave, this proposal would better align policy with the realities of Hawai‘i’s families. The Commission is also cognizant that unpaid leave is a non-benefit for many employees in Hawai‘i, who do not have enough savings to forego even one paycheck.

Accordingly, the Commission asks the Legislature to adopt a paid family leave program and the Committee to pass this measure.

Sincerely,
Khara Jabola-Carolus
Executive Director