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April 4, 2016

To: The Honorable Jill N. Tokuda, Chair,  
The Honorable Donovan M. Dela Cruz, Vice Chair, and  
Members of the Senate Committee on Ways and Means

Date: Monday, April 4, 2016  
Time: 10:00 a.m.  
Place: Conference Room 211, State Capitol

From: Linda Chu Takayama, Director  
Department of Labor and Industrial Relations (DLIR)

**Re: H.B. No. 1683, H.D. 1 Relating to Family Leave**

**I. OVERVIEW OF PROPOSED LEGISLATION**

HB1683 HD1 amends the Family Leave Law, chapter 398, Hawaii Revised Statutes (HRS), by amending the family leave requirement to permit an employee to use family leave time to care for a sibling.

DLIR supports HB1683, HD1.

**II. CURRENT STATUS**

Employees are entitled to a total of four weeks of unpaid family leave during any calendar year upon the birth of a child of the employee, the adoption of a child, or to care for the employee's child, spouse or reciprocal beneficiary, or parent with a serious health condition. The care of siblings is not covered.

**III. COMMENTS ON THE HOUSE BILL**

Hawaii has a rich tradition of the family concept of "ohana". To extend the ability to take family leave to care for one's brother or sister exemplifies this tradition of caring for family members.

DLIR notes that the definition of "sibling" is limited to the biological or adopted sibling. However, for "parent" in chapter 398 the definition includes step and in-law relationships.

DLIR also notes that extension of Hawaii Family Leave Law to siblings creates another incongruent category with Family Medical Leave Act and may result in the extension of protected leave to sixteen weeks in some circumstances

Other, similar HFLL categories not covered in FMLA include:

- Stepmother and step father
- Mother in-laws and father in-laws
- Grandfather in-laws and grandmother in-laws

DLIR defers to other departments, including the Department of Human Resources Development, in regards to the fiscal and other impacts to the State.

The Twenty-Eighth Legislature  
Regular Session of 2016

THE SENATE

Committee on Ways and Means

Senator Jill N. Tokuda, Chair

Senator Donovan M. Dela Cruz, Vice Chair

State Capitol, Conference Room 211

Monday, April 4, 2016; 10:00 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 1683, HD1  
RELATING TO FAMILIY LEAVE**

The ILWU Local 142 **supports** H.B. 1683, HD1, which permits an employee to use leave under the Hawaii Family Leave Law to care for a sibling.

In Hawaii, the definition of family is broad. It includes spouses, parents, children, grandchildren, grandparents, aunties, uncles, brothers, sisters—even hanai relatives. However, family leave under the Hawaii Family Leave Law restricts leave only to care for children, parents, spouses and reciprocal beneficiaries. Siblings are excluded.

We believe it is good public policy to broaden the coverage for family leave to include siblings. The leave will likely be unpaid, but the job protection may be a significant factor in a person's decision to provide care to a seriously ill sibling, who may have no other caregiver support.

The ILWU urges passage of H.B. 1683, HD1. Thank you for the opportunity to testify on this measure.



**Testimony to the Senate Committee on Ways & Means  
Monday, April 4, 2016 at 10:00 A.M.  
Conference Room 211, State Capitol**

**RE: HOUSE BILL 1683 HD 1 RELATING TO FAMILY LEAVE**

Chair Tokuda, Vice Chair Dela Cruz, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **opposes** HB 1683 HD 1, which permits an employee to use leave under the Hawaii Family Leave Law to care for a sibling.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 1,000 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 leave in the workplace. We are concerned that the amount of leave in this bill is in addition to other benefits currently offered by employers, and could allow for a large amount of leave available to an employee. This adversely affects businesses that need to find staffing to cover the employee on leave. We are also concerned of the economic impact of this new payroll tax.

Thank you for the opportunity to testify.



Executive Officers:  
Derek Kurisu, KTA Superstores - Chairperson  
John Erickson, Young's Market Company – Vice Chair  
Bob Stout, Times Supermarkets – Secretary/Treasurer  
Lauren Zirbel, Executive Director

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TO: COMMITTEE ON WAYS & MEANS  
Senator Jill N. Tokuda, Chair  
Senator Donovan M. Dela Cruz, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION  
Lauren Zirbel, Executive Director

DATE: Monday, April 4, 2016  
TIME: 10:00 a.m.  
PLACE: Conference Room 211

RE: HB1683, HD1

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.

While we understand the intent of this measure, we believe that including siblings in Hawaii's family leave law is overreaching and will result in additional costs that will negatively affect local businesses and our communities.

We believe that the bill's definition of "sibling" is overly broad and lacks clarification with regard to important considerations such as age, physical and cognitive abilities, and income. Is it reasonable to mandate leave for an employee whose sibling has a spouse and grown children who are able to provide care under current law?

Please keep in mind that profit margins are already quite sparse for grocers, which generally operate at a profit margin of around one percent. Hawaii's food prices can be up to seventy percent more than the national average and any additional costs will drive up grocery prices, punish low-income consumers and burden businesses.

Thank you for the opportunity to testify.