

JAN 24 2018

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. While the Federal Family and Medical Leave Act of
4 1993 allows twelve weeks of unpaid leave to employees who have
5 worked at a business that employs fifty or more employees, the
6 majority of Hawaii's workforce cannot afford to take unpaid
7 leave to care for a child or an elderly family member with a
8 serious health condition. Hawaii law offers only a modest four-
9 week extension of unpaid leave and this applies only to Hawaii's
10 few large employers with more than one hundred employees.

11 The legislature further finds that only eleven per cent of
12 workers in the United States have access to paid family leave
13 through their employers. Women, as primary caregivers of
14 infants, children, and elderly parents, are affected
15 disproportionately by the unavailability of paid family and
16 medical leave. In Hawaii, 247,000 people serve as family
17 caregivers. Hawaii has the fastest growing population of



1 individuals over the age of sixty-five in the nation, and that
2 number is expected to grow by eighty-one per cent by the year
3 2030. Of those who would benefit from paid family leave, nearly
4 one-third would take those leave benefits to care for an ill
5 spouse or elderly parent. In short, most workers, at some
6 point, will need to take time off to care for an ill family
7 member, but very few can afford it.

8 The purpose of this Act is to lay the groundwork to
9 implement a paid family leave framework of laws and policies so
10 that all employees may access leave benefits during times when
11 they need to provide care for a family member.

12 SECTION 2. Chapter 398, Hawaii Revised Statutes, is
13 amended by adding a new section to part I to be appropriately
14 designated and to read as follows:

15 "§398- Paid family leave special fund. (a) There is
16 established a paid family leave special fund into which shall be
17 deposited the following moneys:

- 18 (1) Appropriations by the legislature to the special fund;
19 and
20 (2) Gifts, donations, and grants from public agencies and
21 private persons.



1 All interest earned or accrued on moneys deposited in the fund
2 shall become part of the fund. The fund shall be administered
3 by the department; provided that the department may contract
4 with a public or private agency to provide the day-to-day
5 management of the fund.

6 (b) Subject to legislative authorization, the department
7 may expend moneys from the fund:

8 (1) For permanent and temporary staff positions;

9 (2) To cover administrative and operational costs of
10 implementing any legislative requirement to establish
11 paid family leave for all workers in the State."

12 SECTION 3. (a) By January 1, 2023, the department of
13 labor and industrial relations shall adopt rules, pursuant to
14 chapter 91, Hawaii Revised Statutes, that establish paid family
15 leave for all workers in the State.

16 (b) The department may adopt interim rules, which shall be
17 exempt from chapter 91, Hawaii Revised Statutes, to effectuate
18 the purposes of this Act; provided that the interim rules shall
19 remain in effect until January 1, 2023, or until rules are
20 adopted pursuant to subsection (a), whichever occurs sooner.



1 SECTION 4. (a) There is established a paid family leave
2 implementation task force within the department of labor and
3 industrial relations for administrative purposes only to assist
4 the department in establishing paid family leave for all workers
5 in the State, pursuant to this Act.

6 (b) The paid family leave implementation task force shall
7 comprise the following individuals or their designees:

8 (1) The director of labor and industrial relations, who
9 shall serve as the chairperson;

10 (2) The director of human resources development;

11 (3) The comptroller;

12 (4) The insurance commissioner;

13 (5) The chairperson of the senate committee on labor, or a
14 successor committee; and

15 (6) The chairperson of the house of representatives
16 committee on labor and public employment, or a
17 successor committee with jurisdiction over labor.

18 (c) The following persons shall be appointed as members of
19 the task force:

20 (1) One representative of The Chamber of Commerce Hawaii,
21 to be appointed by the governor;



1 (2) One representative of the insurance industry, to be
2 appointed by the president of the senate;

3 (3) One representative of the insurance industry, to be
4 appointed by the speaker of the house of
5 representatives;

6 (4) One representative of a labor union in the State, to
7 be appointed by the president of the senate; and

8 (5) One representative of a labor union in the State, to
9 be appointed by the speaker of the house of
10 representatives.

11 (d) The paid family leave implementation task force shall
12 develop an analysis and implementation plan for providing
13 workers with family leave insurance benefits during times when a
14 worker is required to take leave to care for a family member.

15 (e) No later than twenty days prior to the regular session
16 of 2019, the paid family leave implementation task force shall
17 submit a report to the legislature that includes:

18 (1) A comparative analysis of potential paid family leave
19 models, including a breakdown of the costs for
20 implementation and sustaining each model;

21 (2) A five-year budget for establishing paid family leave;



- 1 (3) A timeline for implementing paid family leave,
2 including benchmarks and deliverables;
- 3 (4) A schedule for ongoing audits;
- 4 (5) Findings and other recommendations, including
5 recommendations for ongoing regulation and additional
6 funding resources; and
- 7 (6) Proposed legislation, if any.
- 8 (f) No later than twenty days prior to the regular
9 sessions of 2020, 2021, 2022, 2023, and 2024 the paid family
10 leave implementation task force shall submit a report to the
11 legislature that includes:
- 12 (1) Updates to the analysis and implementation plan, as
13 necessary;
- 14 (2) The progress of the department of labor and industrial
15 relations in meeting its obligation required by this
16 Act;
- 17 (3) Additional findings and recommendations, if any; and
18 (4) Proposed legislation, if any.
- 19 (g) The task force shall cease to exist on January 1,
20 2024.



1 SECTION 5. There is appropriated out of the general
 2 revenues of the State of Hawaii the sum of \$1,500,000 or so much
 3 thereof as may be necessary for fiscal year 2018-2019 to be
 4 deposited into the paid family leave special fund.

5 SECTION 6. There is appropriated out of the paid family
 6 leave special fund the sum of \$1,500,000 or so much thereof as
 7 may be necessary for fiscal year 2018-2019 to fund one full-time
 8 equivalent (1.0 FTE) program manager to support the paid family
 9 leave implementation task force and the department of labor and
 10 industrial relations in establishing paid family leave for all
 11 workers by January 1, 2023.

12 The sum appropriated shall be expended by the department of
 13 labor and industrial relations for the purposes of this Act.

14 SECTION 7. This Act shall take effect upon its approval;
 15 provided that sections 5 and 6 shall take effect on July 1,
 16 2018.

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Report Title:

Paid Family Leave; DLIR; Insurance; Task Force; Report;
Appropriation

Description:

Requires the Department of Labor and Industrial Relations to establish paid family leave for all workers by 1/1/2023. Authorizes the department to adopt interim rules. Establishes the paid family leave implementation task force to assist the department and report to the Legislature. Establishes a paid family leave special fund. Appropriates moneys.

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

