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## HOUSE RESOLUTION

REQUESTING THE DIRECTOR OF LABOR AND INDUSTRIAL RELATIONS TO  
CONVENE A WORKING GROUP TO EXPLORE THE PROVISION OF PAID  
FAMILY LEAVE FOR EXECUTIVE DEPARTMENTS THAT REPORT DIRECTLY  
TO THE GOVERNOR.

1           WHEREAS, paid family leave refers to partially or fully  
2 compensated time away from work for specific and generally  
3 significant family caregiving needs, such as the birth of a  
4 child or serious illness of a close family member; and  
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6           WHEREAS, the 2018 Aloha United Way ALICE (Asset Limited,  
7 Income Constrained, Employed) Study found that almost half of  
8 the families in Hawaii are living paycheck to paycheck; and  
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10           WHEREAS, although the federal Family and Medical Leave Act  
11 of 1993 allows for twelve weeks of unpaid leave to employees who  
12 have worked at a business that employs fifty or more employees,  
13 the majority of Hawaii's workforce cannot afford to take unpaid  
14 leave for family caregiving needs, such as to care for a child  
15 or attend to the needs of a family member with a serious health  
16 condition; and  
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18           WHEREAS, Hawaii law, which offers a four-week extension of  
19 unpaid leave, is available only to employees of large employers  
20 having one hundred or more employees; and  
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22           WHEREAS, eight states, including California, Connecticut,  
23 Massachusetts, New Jersey, New York, Oregon, Rhode Island, and  
24 Washington, and the District of Columbia have enacted paid  
25 family leave laws; and  
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27           WHEREAS, in accordance with Act 109, Session Laws of Hawaii  
28 2018, the Legislative Reference Bureau submitted to the  
29 Legislature a report that estimated an annual cost of \$2,624,000  
30 for a social insurance model exclusively through the State and



1 ongoing annual costs of \$1,103,000 for a governance only model;  
2 and

3

4 WHEREAS, the Legislative Reference Bureau reported that the  
5 scope of coverage provided by each state varies significantly,  
6 from eligibility requirements, to qualifying reasons for leave,  
7 waiting periods, leave durations, benefit levels, and benefit  
8 calculations, and whether there is job protection; and

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10 WHEREAS, the report also stated that the definitions of  
11 what is covered and how, and the mechanics of calculating  
12 benefit payment can be cumbersome; and

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14 WHEREAS, the Department of Labor and Industrial Relations  
15 has identified dissimilar cost estimates due to differences in  
16 estimates for claims administrative staffing, estimated  
17 information technology staffing, estimated program support  
18 staffing, and information technology costs for software, storage  
19 and retrieval of data, and maintenance costs; and

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21 WHEREAS, the Department of Labor and Industrial Relations  
22 has testified it would require \$6,540,000 to implement a social  
23 insurance model and \$2,073,000 to implement a governance model  
24 for Executive Branch employees only; and

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26 WHEREAS, employers and industry professionals have voiced  
27 concern over these differences and areas of confusion as the  
28 differences and areas make it not only challenging for employers  
29 to communicate and educate their employees, but also to  
30 understand and determine how paid leave laws coordinate with  
31 other benefit plans, such as sick leave, disability, and  
32 workers' compensation; and

33

34 WHEREAS, the Hawaii Temporary Disability Insurance Law is  
35 unique compared to the other five states that have temporary  
36 disability insurance laws because an employer may adopt from  
37 multiple methods of providing the temporary disability  
38 insurance, which includes self-insured plans that differ from  
39 statutory benefits and have equivalent or better-than-statutory  
40 plan benefits; and



1 WHEREAS, self-insured temporary disability insurance plans  
2 differ in the weekly benefit amount, duration of payments, and  
3 whether or not a waiting period is required; and  
4

5 WHEREAS, the National Defense Authorization Act for fiscal  
6 year 2020 includes a provision for twelve weeks of paid parental  
7 leave in connection with the birth, adoption, or foster care  
8 placement of a child for employees covered by federal Family and  
9 Medical Leave Act provisions applicable to federal civilian  
10 employees; now, therefore,  
11

12 BE IT RESOLVED by the House of Representatives of the  
13 Thirtieth Legislature of the State of Hawaii, Regular Session of  
14 2020, that the Director of Labor and Industrial Relations is  
15 requested to convene a working group to explore the provision of  
16 paid family leave for executive departments that report directly  
17 to the Governor, as a first step that could be scaled up to  
18 cover the rest of the workforce; and  
19

20 BE IT FURTHER RESOLVED that any recommendations made by the  
21 working group achieve the following objectives:  
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- 23 (1) Reporting in detail on the current relationship  
24 between the Hawaii Temporary Disability Insurance Law  
25 and the federal Family and Medical Leave Act and  
26 Hawaii Family Leave Law;  
27
- 28 (2) Identifying the issues that could arise for the  
29 implementation of a pilot project for Paid Family  
30 Leave for the Executive Branch;  
31
- 32 (3) Determining the potential impacts of enacting a law to  
33 provide paid family leave for the Executive Branch,  
34 including the fiscal and administrative impact on the  
35 State, and the impacts on public sector collective  
36 bargaining and civil service law; and  
37
- 38 (4) Identifying the opportunities and challenges of  
39 scaling up a pilot project for the Executive Branch  
40 for all of Hawaii's workforce; and



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1 BE IT FURTHER RESOLVED that the working group is requested  
2 to comprise of:

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- 4 (1) The Director of Labor and Industrial Relations, or the  
5 Director's designee, who shall serve as the  
6 Chairperson of the working group;
- 7
- 8 (2) The Director of Human Resources Development, or the  
9 Director's designee;
- 10
- 11 (3) The Director of Finance, or the Director's designee;
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- 13 (4) The Attorney General, or the Attorney General's  
14 designee;
- 15
- 16 (5) The Director of Human Services, or the Director's  
17 designee;
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- 19 (6) The Comptroller, or the Comptroller's designee;
- 20
- 21 (7) The Chief Negotiator of the Office of Collective  
22 Bargaining, or the Chief Negotiator's designee;
- 23
- 24 (8) One representative of a retiree association, to be  
25 appointed by the President of the Senate;
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- 27 (9) One representative of a children's advocacy  
28 organization, to be appointed by the Speaker of the  
29 House of Representatives;
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- 31 (10) One representative of a women's advocacy organization,  
32 to be appointed by the Governor;
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- 34 (11) Two representatives from public sector labor  
35 organizations, to be appointed by the President of the  
36 Senate; and
- 37
- 38 (12) Two representatives from public sector labor  
39 organizations, to be appointed by the Speaker of the  
40 House of Representatives; and

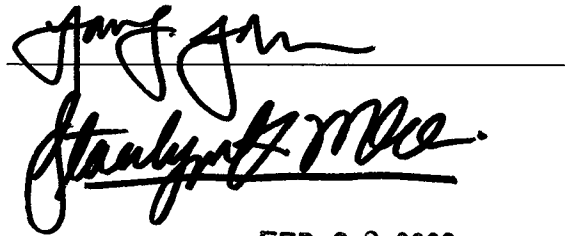


1 BE IT FURTHER RESOLVED that the working group may invite  
2 individuals from additional organizations or agencies to  
3 participate in the working group; and  
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5 BE IT FURTHER RESOLVED that the working group is requested  
6 to submit a report of its findings and recommendations,  
7 including any proposed legislation, to the Legislature no later  
8 than twenty days prior to the convening of the Regular Session  
9 of 2021; and  
10

11 BE IT FURTHER RESOLVED that certified copies of this  
12 Resolution be transmitted to the Governor, Director of Labor and  
13 Industrial Relations, Director of Human Resources Development,  
14 Director of Finance, Attorney General, Director of Human  
15 Services, Comptroller, and Chief Negotiator.  
16  
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18

OFFERED BY:



FEB 26 2020

