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# HOUSE CONCURRENT RESOLUTION

REQUESTING THE DIRECTOR OF LABOR AND INDUSTRIAL RELATIONS TO  
CONVENE A TASK FORCE TO STUDY, DESIGN, AND DEVELOP A PAID  
FAMILY LEAVE PILOT PROGRAM.

1 WHEREAS, most workers, at some point in life, may need to  
2 take time off from work to care for an ill family member; and  
3

4 WHEREAS, under the federal Family and Medical Leave Act of  
5 1993, as amended, certain employees who work for employers with  
6 fifty or more employees are eligible for up to twelve weeks of  
7 unpaid job-protected leave for qualifying reasons, such as a  
8 serious health condition of the employee or certain family  
9 members of the employee or other qualifying events; and  
10

11 WHEREAS, under the State's Family Leave Law, certain  
12 employees who work for employers with one hundred or more  
13 employees are eligible for up to four weeks of unpaid  
14 job-protected leave for qualifying reasons, which includes the  
15 birth or adoption of a child or to care for certain family  
16 members with a serious health condition; and  
17

18 WHEREAS, the family leave provided under federal and state  
19 laws is mainly unpaid, and as of March 2018, only seventeen  
20 percent of workers in the United States had access to paid  
21 family leave through their employers; and  
22

23 WHEREAS, a report published by the Aloha United Way in 2020  
24 titled "ALICE in Hawai'i: A Financial Hardship Study", reported  
25 that despite the steady economic improvements in Hawaii from  
26 2010 to 2018, during which the gross domestic product grew, the  
27 unemployment rate fell to historic lows, and wages rose, almost  
28 half of the families in Hawaii were struggling to make ends meet  
29 in 2018; and



1 WHEREAS, with such financial constraints, a majority of  
2 Hawaii's workforce cannot afford to take unpaid leave for family  
3 caregiving purposes, whether it be to take care of an aging  
4 family member or to care for a newborn; and

5  
6 WHEREAS, in November 2019, the AARP Public Policy Institute  
7 reported that as of 2017, there were approximately 157,000  
8 unpaid family caregivers in Hawaii, and while the majority of  
9 family caregivers are women, there is a growing trend for men,  
10 especially adult sons, taking on family caregiving tasks for  
11 their aging parents, other older relatives, or close friends;  
12 and

13  
14 WHEREAS, forty-four percent of male family caregivers  
15 reported moderate to high financial strain as a result of  
16 caregiving; and

17  
18 WHEREAS, the need for leave to care for elderly family  
19 members in Hawaii is expected to increase, as the Department of  
20 Business, Economic Development, and Tourism projected in  
21 June 2018 that the percentage of residents aged sixty-five years  
22 and older, which constituted 17.1 percent of the State's  
23 population in 2016, is expected to rise to 19.1 percent in 2020,  
24 and to 22.6 percent in 2030; and

25  
26 WHEREAS, as of January 2021, nine states, including  
27 California, Colorado, Connecticut, Massachusetts, New Jersey,  
28 New York, Oregon, Rhode Island, and Washington, and the District  
29 of Columbia have enacted paid family and medical leave laws; and

30  
31 WHEREAS, the federal Family and Medical Leave Act of 1993  
32 was amended in 2020 to allow certain covered federal civilian  
33 employees up to twelve weeks of paid parental leave in  
34 connection with the birth of a child or placement of a child for  
35 adoption or foster care occurring on or after October 1, 2020;  
36 and

37  
38 WHEREAS, Act 109, Session Laws of Hawaii 2018, began the  
39 groundwork to establish a paid family leave framework in the  
40 State by requiring the Legislative Reference Bureau to analyze  
41 the impacts of establishing a paid family leave program on  
42 certain industries, consumers, employees, employers, and



1 caregivers that would enable the Legislature to choose a model  
2 or framework that will work best for Hawaii's workforce; and  
3

4 WHEREAS, in December 2019, the Legislative Reference Bureau  
5 issued its Paid Family Leave Program Impact Study, which  
6 projected the costs and staffing required to establish and  
7 maintain a paid family leave system in Hawaii under three social  
8 insurance models:  
9

- 10 (1) A system funded exclusively by the State, such as a  
11 state-administered insurance fund;  
12
- 13 (2) A system that allows private plans to opt out; and  
14
- 15 (3) A system in which the State's role is limited to  
16 governance of a system that is highly regulated and  
17 reliant on private markets or an insurance fund, or an  
18 employer mandate, such as the State's Temporary  
19 Disability Insurance Program; and  
20

21 WHEREAS, the following table shows the resources necessary  
22 to implement each model:

	State System Funded Exclusively by State	State System with Opt-Out for Private Plans	Highly Regulated Private Market, Insurance Fund, or Employer Mandate
Start-up Cost	\$1,100,000	\$1,100,000	\$660,000
On-Going Support Cost	\$2,623,669	\$2,618,078	\$1,102,875
Support Staffing	22.5 positions	22 positions	7.5 positions

; and

23 WHEREAS, the study further reported that regardless of  
24 which paid family leave model is adopted, there are pertinent  
25 policy aspects that will need to be determined, such as the  
26 benefit amount and wage replacement ratio; length of leave,



1 including maximum weeks of leave for bonding and family  
2 caregiving; employer and employee eligibility; covered family  
3 relationships; whether to provide job protection; and more; now,  
4 therefore,  
5

6 BE IT RESOLVED by the House of Representatives of the  
7 Thirty-first Legislature of the State of Hawaii, Regular Session  
8 of 2021, the Senate concurring, that the Director of Labor and  
9 Industrial Relations is requested to convene a task force to  
10 study, design, and develop a Paid Family Leave Pilot Program  
11 with coverage limited to certain employers and employees to be  
12 established and implemented by the Department of Labor and  
13 Industrial Relations as a trial program that could eventually be  
14 expanded to cover all public and private sector workers in the  
15 State; and  
16

17 BE IT FURTHER RESOLVED that the task force is requested to  
18 develop its own goals and objectives for the Paid Family Leave  
19 Pilot Program; and  
20

21 BE IT FURTHER RESOLVED that the task force is requested to  
22 include the following members and appoint a chairperson from  
23 among its members:  
24

- 25 (1) The Director of Labor and Industrial Relations or the  
26 Director's designee;
- 27
- 28 (2) The Director of Human Resources Development or the  
29 Director's designee;
- 30
- 31 (3) The Director of Finance or the Director's designee;
- 32
- 33 (4) The Attorney General or the Attorney General's  
34 designee;
- 35
- 36 (5) The Mayor of the County of Hawaii or the Mayor's  
37 designee;
- 38
- 39 (6) The Mayor of the City and County of Honolulu or the  
40 Mayor's designee;



- 1           (7)    The Mayor of the County of Kauai or the Mayor's  
2                    designee;
- 3
- 4           (8)    The Mayor of the County of Maui or the Mayor's  
5                    designee;
- 6
- 7           (9)    One representative of a children's advocacy  
8                    organization in Hawaii to be appointed by the Speaker  
9                    of the House of Representatives;
- 10
- 11          (10)   One representative of a women's advocacy organization  
12                    in Hawaii to be appointed by the President of the  
13                    Senate;
- 14
- 15          (11)   Two representatives from public sector labor  
16                    organizations in Hawaii, one to be appointed by the  
17                    President of the Senate and one to be appointed by the  
18                    Speaker of the House of Representatives;
- 19
- 20          (12)   One representative from a private sector labor  
21                    organization in Hawaii to be appointed by the  
22                    Governor;
- 23
- 24          (13)   One representative of the Hawaii insurance industry to  
25                    be appointed by the Governor;
- 26
- 27          (14)   One representative of a business organization in  
28                    Hawaii to be appointed by the President of the Senate;
- 29
- 30          (15)   One representative of a small business organization in  
31                    Hawaii to be appointed by the Speaker of the House of  
32                    Representatives; and
- 33
- 34          (16)   Representatives from any other organization or agency  
35                    deemed necessary by the task force; and
- 36

37            BE IT FURTHER RESOLVED that the task force is requested to  
38            submit a report describing the progress made by the task force  
39            and its findings and recommendations, including any proposed  
40            legislation, to the Legislature no later than twenty days prior  
41            to the convening of the Regular Session of 2023; and



1 BE IT FURTHER RESOLVED that the report include:

- 2
- 3 (1) Data on the amount of leave generally taken or, if  
4 there is no data, the amount of leave deemed generally  
5 necessary by health care providers for qualifying  
6 reasons that are not based on the serious health  
7 condition of the employee or the employee's family  
8 members, such as the amount of leave taken for the  
9 birth of a child or placement of a child for adoption  
10 or foster care under the federal Family and Medical  
11 Leave Act and the State's Family Leave Law, and leave  
12 taken to bond with a newly born or newly placed child  
13 under the federal Family and Medical Leave Act;  
14
- 15 (2) Identification of issues related to the establishment  
16 and implementation of the Paid Family Leave Pilot  
17 Program;  
18
- 19 (3) Recommendations for the basic structure of the Paid  
20 Family Leave Pilot Program, including but not limited  
21 to:
- 22 (A) Coverage of employers, such as industry sectors  
23 and geographic regions;  
24
- 25 (B) Eligibility criteria for employees, such as a  
26 minimum amount of time worked or earnings  
27 achieved;  
28
- 29 (C) Benefit amounts and wage replacement ratio;  
30
- 31 (D) Length of leave, including maximum weeks of  
32 leave, for bonding and family caregiving;  
33
- 34 (E) Qualifying events;  
35
- 36 (F) Covered family relationships;  
37
- 38 (G) Whether to provide job protection;  
39
- 40 (H) Interaction with the State's Temporary Disability  
41 Insurance Program;  
42



- 1 (I) The administrative structure; and
- 2
- 3 (J) Claims management;
- 4
- 5 (4) Impacts and estimated costs of establishing and
- 6 implementing the Paid Family Leave Pilot Program,
- 7 including but not limited to the fiscal and
- 8 administrative impacts on the State and the impacts on
- 9 public sector collective bargaining and civil service
- 10 laws; and
- 11
- 12 (5) Opportunities and challenges of expanding the Paid
- 13 Family Leave Pilot Program to the State's entire
- 14 workforce; and
- 15

16 BE IT FURTHER RESOLVED that the task force be dissolved on

17 January 31, 2023; and

18

19 BE IT FURTHER RESOLVED that certified copies of this

20 Concurrent Resolution be transmitted to the Governor, Director

21 of Labor and Industrial Relations, Director of Human Resources

22 Development, Director of Finance, Attorney General, Mayor of the

23 County of Hawaii, Mayor of the City and County of Honolulu,

24 Mayor of the County of Kauai, and Mayor of the County of Maui.

