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## HOUSE 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  
30

31           WHEREAS, with such financial constraints, a majority of  
32 Hawaii's workforce cannot afford to take unpaid leave for family



1 caregiving purposes, whether it be to take care of an aging  
2 family member or to care for a newborn; and

3  
4 WHEREAS, in November 2019, the AARP Public Policy Institute  
5 reported that as of 2017, there were approximately 157,000  
6 unpaid family caregivers in Hawaii, and while the majority of  
7 family caregivers are women, there is a growing trend for men,  
8 especially adult sons, taking on family caregiving tasks for  
9 their aging parents, other older relatives, or close friends;  
10 and

11  
12 WHEREAS, forty-four percent of male family caregivers  
13 reported moderate to high financial strain as a result of  
14 caregiving; and

15  
16 WHEREAS, the need for leave to care for elderly family  
17 members in Hawaii is expected to increase, as the Department of  
18 Business, Economic Development, and Tourism projected in  
19 June 2018 that the percentage of residents aged sixty-five years  
20 and older, which constituted 17.1 percent of the State's  
21 population in 2016, is expected to rise to 19.1 percent in 2020,  
22 and to 22.6 percent in 2030; and

23  
24 WHEREAS, as of January 2021, nine states, including  
25 California, Colorado, Connecticut, Massachusetts, New Jersey,  
26 New York, Oregon, Rhode Island, and Washington, and the District  
27 of Columbia have enacted paid family and medical leave laws; and

28  
29 WHEREAS, the federal Family and Medical Leave Act of 1993  
30 was amended in 2020 to allow certain covered federal civilian  
31 employees up to twelve weeks of paid parental leave in  
32 connection with the birth of a child or placement of a child for  
33 adoption or foster care occurring on or after October 1, 2020;  
34 and

35  
36 WHEREAS, Act 109, Session Laws of Hawaii 2018, began the  
37 groundwork to establish a paid family leave framework in the  
38 State by requiring the Legislative Reference Bureau to analyze  
39 the impacts of establishing a paid family leave program on  
40 certain industries, consumers, employees, employers, and  
41 caregivers that would enable the Legislature to choose a model  
42 or framework that will work best for Hawaii's workforce; and



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

- 6
- 7 (1) A system funded exclusively by the State, such as a
- 8 state-administered insurance fund;
- 9
- 10 (2) A system that allows private plans to opt-out; and
- 11
- 12 (3) A system in which the State's role is limited to
- 13 governance of a system that is highly regulated and
- 14 reliant on private markets or an insurance fund, or an
- 15 employer mandate, such as the State's Temporary
- 16 Disability Insurance Program; and
- 17

18 WHEREAS, the following table shows the resources necessary  
 19 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

20 WHEREAS, the study further reported that regardless of  
 21 which paid family leave model is adopted, there are pertinent  
 22 policy aspects that will need to be determined, such as the  
 23 benefit amount and wage replacement ratio; length of leave,  
 24 including maximum weeks of leave for bonding and family  
 25 caregiving; employer and employee eligibility; covered family



1 relationships; whether to provide job protection; and more; now,  
2 therefore,

3  
4 BE IT RESOLVED by the House of Representatives of the  
5 Thirty-first Legislature of the State of Hawaii, Regular Session  
6 of 2021, that the Director of Labor and Industrial Relations is  
7 requested to convene a task force to study, design, and develop  
8 a Paid Family Leave Pilot Program with coverage limited to  
9 certain employers and employees to be established and  
10 implemented by the Department of Labor and Industrial Relations  
11 as a trial program that could eventually be expanded to cover  
12 all public and private sector workers in the State; and  
13

14 BE IT FURTHER RESOLVED that the task force is requested to  
15 include the following members:

- 16  
17 (1) The Director of Labor and Industrial Relations or the  
18 Director's designee, who is requested to serve as the  
19 chairperson;  
20  
21 (2) The Director of Human Resources Development or the  
22 Director's designee;  
23  
24 (3) The Director of Finance or the Director's designee;  
25  
26 (4) The Attorney General or the Attorney General's  
27 designee;  
28  
29 (5) The Mayor of the County of Hawaii or the Mayor's  
30 designee;  
31  
32 (6) The Mayor of the City and County of Honolulu or the  
33 Mayor's designee;  
34  
35 (7) The Mayor of the County of Kauai or the Mayor's  
36 designee;  
37  
38 (8) The Mayor of the County of Maui or the Mayor's  
39 designee;



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

31           BE IT FURTHER RESOLVED that the task force is requested to  
32           submit a report describing the progress made by the task force  
33           and its findings and recommendations, including any proposed  
34           legislation, to the Legislature no later than twenty days prior  
35           to the convening of the Regular Session of 2023; and  
36

37           BE IT FURTHER RESOLVED that the report include:

- 38
- 39          (1) Data on the amount of leave generally taken or, if  
40          there is no data, the amount of leave deemed generally  
41          necessary by health care providers for qualifying  
42          reasons that are not based on the serious health



- 1 condition of the employee or the employee's family  
2 members, such as the amount of leave taken for the  
3 birth of a child or placement of a child for adoption  
4 or foster care under the federal Family and Medical  
5 Leave Act and the State's Family Leave Law, and leave  
6 taken to bond with a newly born or newly placed child  
7 under the federal Family and Medical Leave Act;  
8
- 9 (2) Identification of issues related to the establishment  
10 and implementation of the Paid Family Leave Pilot  
11 Program;  
12
- 13 (3) Recommendations for the basic structure of the Paid  
14 Family Leave Pilot Program, including but not limited  
15 to:  
16
- 17 (A) Coverage of employers, such as industry sectors  
18 and geographic regions;  
19
- 20 (B) Eligibility criteria for employees, such as a  
21 minimum amount of time worked or earnings  
22 achieved;  
23
- 24 (C) Benefit amounts and wage replacement ratio;  
25
- 26 (D) Length of leave, including maximum weeks of  
27 leave, for bonding and family caregiving;  
28
- 29 (E) Qualifying events;  
30
- 31 (F) Covered family relationships;  
32
- 33 (G) Whether to provide job protection;  
34
- 35 (H) Interaction with the State's Temporary Disability  
36 Insurance Program;  
37
- 38 (I) The administrative structure; and  
39
- 40 (J) Claims management;



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

12           BE IT FURTHER RESOLVED that certified copies of this  
 13 Resolution be transmitted to the Governor, Director of Labor and  
 14 Industrial Relations, Director of Human Resources Development,  
 15 Director of Finance, Attorney General, Mayor of the County of  
 16 Hawaii, Mayor of the City and County of Honolulu, Mayor of the  
 17 County of Kauai, and Mayor of the County of Maui.

18  
 19  
 20

OFFERED BY: 

MAR 11 2021