
SENATE CONCURRENT RESOLUTION

REQUESTING THE DIRECTOR OF LABOR AND INDUSTRIAL RELATIONS TO
CONVENE A TASK FORCE ON PAID FAMILY LEAVE.

1 WHEREAS, most workers, at some point in life, will 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
5 Act of 1993, as amended (FMLA), certain employees who work for
6 employers with fifty or more employees are eligible for up to
7 twelve weeks of unpaid job-protected leave for qualifying
8 reasons such as a serious health condition of the employee that
9 makes the employee unable to perform the functions of the
10 employee's job; to care for the employee's spouse, son,
11 daughter, or parent with a serious health condition; qualifying
12 exigency arising out of the fact that the employee's spouse,
13 son, daughter, or parent is a military member on covered active
14 duty; the birth of a child and to bond with the newborn child;
15 and placement with the employee of a child for adoption or
16 foster care and to bond with the newly placed child; and
17

18 WHEREAS, under chapter 398, Hawaii Revised Statutes,
19 Hawaii's family leave law, certain employees who work for
20 employers with one hundred or more employees are eligible for up
21 to four weeks of unpaid job-protected leave for qualifying
22 reasons such as the birth of a child of the employee or the
23 adoption of a child; and to care for the employee's child,
24 spouse, reciprocal beneficiary, sibling, grandchild, or parent
25 with a serious health condition; and
26

27 WHEREAS, the family leave provided under the FMLA and
28 Hawaii's family leave law is unpaid, and as of March 2018, only
29 seventeen percent of workers in the United States had access to
30 paid family leave through their employers; and



1 WHEREAS, ALICE (Asset Limited, Income Constrained,
2 Employed) in Hawai'i: A Financial Hardship Study, published by
3 the Aloha United Way in 2020, reports that despite the steady
4 economic improvements in Hawaii from 2010 to 2018, during which
5 the gross domestic product grew, unemployment rate fell to
6 historic lows, and wages rose, almost half of the families in
7 Hawaii were struggling to make ends meet in 2018; and
8

9 WHEREAS, with such financial constraints, a majority of
10 Hawaii's workforce cannot afford to take unpaid leave for family
11 caregiving purposes, such as to care for a family member with a
12 serious health condition or to bond with a new child; and
13

14 WHEREAS, the AARP Public Policy Institute reported in
15 November 2019 that as of 2017, there were approximately
16 157,000 unpaid family caregivers in Hawaii, and while the
17 majority of family caregivers are women, there is a growing
18 trend for men, especially adult sons, to take on family
19 caregiving tasks for the health and functional needs of their
20 aging parents, other older relatives, or close friends, and
21 forty-four percent of all male family caregivers report moderate
22 to high financial strain as a result of caregiving; and
23

24 WHEREAS, the need for leave to care for elderly family
25 members in Hawaii is expected to increase, as the Department of
26 Business, Economic Development, and Tourism projected in
27 June 2018, that the percentage of residents aged
28 sixty-five years and older, which constituted 14.5 percent of
29 the State's population in 2010, was expected to rise to
30 19.1 percent in 2020, and to increase further to 22.6 percent
31 in 2030; and
32

33 WHEREAS, as of January 2021, nine states – California,
34 Colorado, Connecticut, Massachusetts, New Jersey, New York,
35 Oregon, Rhode Island, and Washington – and the District of
36 Columbia have enacted paid family and medical leave laws; and
37

38 WHEREAS, section 7602(c) of the Federal Employee Paid Leave
39 Act, as provided in the National Defense Authorization Act for
40 Fiscal Year 2020 (P.L. 116-92), amended portions of the FMLA to
41 allow certain covered federal civilian employees up to
42 twelve weeks of paid parental leave in connection with the birth



1 of a child or placement of a child for adoption or foster care
2 occurring on or after October 1, 2020; and
3

4 WHEREAS, in Act 109, Session Laws of Hawaii 2018, the
5 Legislature, as groundwork to establish a paid family leave
6 framework to allow all employees in Hawaii access to leave
7 benefits during times when leave is needed for family caregiving
8 purposes, required the Legislative Reference Bureau to analyze
9 the impacts of establishing a paid family leave program on
10 industry, consumers, employees, employers, and caregivers that
11 would enable the Legislature to choose a model or framework that
12 will work best for Hawaii's workforce; and
13

14 WHEREAS, in December 2019, the Legislative Reference Bureau
15 issued its Paid Family Leave Program Impact Study, which
16 projected the costs and staffing required to establish and
17 maintain a paid family leave system in Hawaii under three social
18 insurance models that differ in the role the State plays - (1) a
19 system funded exclusively by the State, such as a
20 state-administered insurance fund; (2) a system that allows
21 private plans to opt out; and (3) a system in which the State's
22 role is limited to governance of a system that is highly
23 regulated and reliant on private markets or an insurance fund,
24 or an employer mandate, such as the State's Temporary Disability
25 Insurance (TDI) program - as follows:

	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	\$2,624,000	\$2,618,000	\$1,103,000
Support Staffing	22.5 people	22 people	7.5 people ; and

26 WHEREAS, the study further reported that regardless of
27 which paid family leave model is adopted, there are pertinent
28 policy aspects that will need to be determined, such as the



1 benefit amount and wage replacement ratio; length of leave
 2 (including maximum weeks) for bonding and family caregiving;
 3 employer eligibility, such as public employers, employer size,
 4 and self-employed; employee eligibility, such as minimum time
 5 worked or minimum earnings achieved; qualifying events; covered
 6 family relationships; whether to provide job protection;
 7 interaction with the State's TDI program; funding;
 8 administrative structure; and claims management; now, therefore,
 9

10 BE IT RESOLVED by the Senate of the Thirty-first
 11 Legislature of the State of Hawaii, Regular Session of 2021, the
 12 House of Representatives concurring, that the Director of Labor
 13 and Industrial Relations is requested to convene a task force to
 14 study, design, and develop a paid family leave pilot program
 15 with coverage limited to certain employers and employees to be
 16 established and implemented by the Department of Labor and
 17 Industrial Relations as a trial program that could eventually be
 18 expanded to cover all public and private sector workers in the
 19 State; and
 20

21 BE IT FURTHER RESOLVED that the task force is requested to
 22 develop its own goals and objectives for the paid family leave
 23 pilot program; and
 24

25 BE IT FURTHER RESOLVED that the task force is requested to
 26 include the following members and appoint a chairperson from
 27 among its members:
 28

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



- 1 (6) The Mayor of the County of Maui or the Mayor's
2 designee;
- 3
- 4 (7) The Mayor of the City and County of Honolulu or the
5 Mayor's designee;
- 6
- 7 (8) The Mayor of the County of Kauai or the Mayor's
8 designee;
- 9
- 10 (9) One representative from a children's advocacy
11 organization in Hawaii to be appointed by the Speaker
12 of the House of Representatives;
- 13
- 14 (10) One representative from a women's advocacy
15 organization in Hawaii to be appointed by the
16 President of the Senate;
- 17
- 18 (11) Two representatives from public sector labor
19 organizations in Hawaii, one to be appointed by the
20 President of the Senate and one to be appointed by the
21 Speaker of the House of Representatives;
- 22
- 23 (12) One representative from a private sector labor
24 organization in Hawaii to be appointed by the
25 Governor;
- 26
- 27 (13) One representative from the Hawaii insurance industry
28 to be appointed by the Governor;
- 29
- 30 (14) One representative from a business organization in
31 Hawaii to be appointed by the President of the Senate;
- 32
- 33 (15) One representative from a small business organization
34 in Hawaii to be appointed by the Speaker of the House
35 of Representatives; and
- 36
- 37 (16) One representative from an employer organization to be
38 appointed by the Governor; and
- 39

40 BE IT FURTHER RESOLVED that the task force may invite
41 additional organizations or agencies to participate in the task
42 force; and

1 BE IT FURTHER RESOLVED that the task force is requested to
 2 submit a report describing the progress made by the task force,
 3 its findings and recommendations, including any proposed
 4 legislation, to the Legislature no later than twenty days prior
 5 to the convening of the Regular Session of 2023; and
 6

7 BE IT FURTHER RESOLVED that the report submitted by the
 8 task force to the Legislature is requested' to include:
 9

10 (1) Data on the amount of leave generally taken or if
 11 there is no such data, the amount of leave deemed
 12 generally necessary by health care providers for
 13 qualifying reasons that are not based on the serious
 14 health condition of the employee or the employee's
 15 family members, such as the amount of leave taken for
 16 the birth of a child or placement of a child for
 17 adoption or foster care under the FMLA and HFLI and
 18 leave taken to bond with a newly born or newly placed
 19 child under the FMLA;
 20

21 (2) Identification of issues related to the establishment
 22 and implementation of the pilot program;
 23

24 (3) Recommendations for the basic structure of the pilot
 25 program, including but not limited to coverage of
 26 employers based on industry sectors and geographic
 27 regions (counties); eligibility criteria for
 28 employees, such as minimum time worked or earnings
 29 achieved; benefit amount and wage replacement ratio;
 30 length of leave (including maximum weeks) for bonding
 31 and family caregiving; qualifying events; covered
 32 family relationships; whether to provide job
 33 protection; interaction with the State's TDI program;
 34 administrative structure; and claims management; and
 35

36 (4) Impacts and estimated costs of establishing and
 37 implementing the pilot program, including but not
 38 limited to the fiscal and administrative impacts on
 39 the State and the impacts on public sector collective
 40 bargaining and civil service law; and



1 BE IT FURTHER RESOLVED that the task force be dissolved on
2 January 31, 2023; and

3
4 BE IT FURTHER RESOLVED that certified copies of this
5 Concurrent Resolution be transmitted to the Governor, Director
6 of Labor and Industrial Relations, Director of Human Resources
7 Development, Director of Finance, Attorney General, Mayor of the
8 County of Hawaii, Mayor of the County of Maui, Mayor of the City
9 and County of Honolulu, and Mayor of the County of Kauai.

