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## SENATE RESOLUTION

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REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO  
CONVENE A WORKING GROUP TO DEVELOP RECOMMENDATIONS FOR  
ESTABLISHING AND IMPLEMENTING A PAID FAMILY AND MEDICAL  
LEAVE PROGRAM FOR THE STATE.

1 WHEREAS, the United States is the only remaining  
2 industrialized nation without mandated access to paid family and  
3 medical leave benefits for private sector employees under  
4 federal law; and

5  
6 WHEREAS, paid family and medical leave programs have been  
7 enacted in thirteen states and Washington, D.C. as of January  
8 2024; and

9  
10 WHEREAS, existing State law does not require employers to  
11 provide paid family and medical leave to employees; and

12  
13 WHEREAS, the federal Family and Medical Leave Act of 1993  
14 (FMLA) requires employers with fifty or more employees to  
15 provide unpaid family and medical leave to their employees and  
16 existing Hawaii law requires employers with one hundred or more  
17 employees to provide unpaid family leave to their employees; and

18  
19 WHEREAS, ninety-six percent of private employers in the  
20 State, however, have fewer than fifty employees, and are  
21 therefore not statutorily required to provide unpaid family and  
22 medical leave under the FMLA or family leave under existing  
23 state law; and

24  
25 WHEREAS, as a result, only one in four private sector  
26 workers in the State have access to paid family and medical  
27 leave, voluntarily provided by their employers; and

28  
29 WHEREAS, according to a May 2020 report published by the  
30 AARP and National Alliance for Caregiving, there are nearly  
31 forty-eight million family caregivers in the United States, of



1 which sixty-one percent are working while juggling caregiving  
2 responsibilities; and

3  
4 WHEREAS, a family caregiver is a relative, partner, friend,  
5 or neighbor who has a significant personal relationship with,  
6 and who provides a broad range of assistance for, an older  
7 person or an adult with a chronic, disabling, or serious health  
8 condition; and

9  
10 WHEREAS, family caregivers are the backbone of the  
11 long-term care system in the State, especially in the context of  
12 the ongoing health care workforce shortage; and

13  
14 WHEREAS, according to the Valuing the Invaluable: 2023  
15 Update report published by AARP in March 2023, there are 154,000  
16 family caregivers in the State, contributing 144 million hours  
17 of unpaid services, worth an estimated \$2.6 billion; and

18  
19 WHEREAS, family caregivers face many physical, emotional,  
20 and financial challenges, especially because they are often  
21 required to balance unpaid caregiving duties with employment and  
22 other personal responsibilities; and

23  
24 WHEREAS, a survey conducted in 2023 by AARP and S&P Global  
25 showed that sixty-seven percent of family caregivers are having  
26 difficulty balancing their jobs with caregiving duties;  
27 twenty-seven percent of working caregivers have shifted from  
28 full-time to part-time work or have reduced work hours and  
29 sixteen percent have turned down a promotion; sixteen percent  
30 have stopped working entirely for a period of time; and thirteen  
31 percent have changed employers to meet caregiving  
32 responsibilities; and

33  
34 WHEREAS, during the past two decades, heightened attention  
35 has been given to the dual responsibilities of "sandwich  
36 generation" caregivers, who are family caregivers sandwiched  
37 between a younger generation--children or grandchildren they  
38 care for--and an older one--an older family member or friend for  
39 whom they also provide care; and

40  
41 WHEREAS, in 2019, thirty percent of family caregivers in  
42 the United States were sandwich generation caregivers, who



1 generally span ages thirty-five to sixty-four and are more  
2 likely than other caregivers to be working while performing  
3 their caregiving responsibilities; and  
4

5 WHEREAS, as a result of the dual-generation care demands,  
6 sandwich generation caregivers report higher levels of emotional  
7 and financial strain; and  
8

9 WHEREAS, inequity in the existing socioeconomic structure  
10 and support infrastructure are also subjecting working women and  
11 people of color to be unequally burdened by caregiving duties  
12 and economic hardships due to caregiving; and  
13

14 WHEREAS, a paid family and medical leave program would  
15 enable family caregivers to take a limited period of time off  
16 from work to care of loved ones without fear of losing their  
17 jobs or income; and  
18

19 WHEREAS, paid family and medical leave programs are  
20 associated with improved outcomes in the earliest years of life  
21 for individuals, including higher rates of breastfeeding and  
22 immunization and lower rates of child abuse, domestic violence,  
23 and financial instability; and  
24

25 WHEREAS, in the face of the current workforce shortage, a  
26 paid family and medical leave program would incentivize  
27 individuals to join the labor market and improve employee  
28 retention, filling gaps and saving employers long-term  
29 recruitment and training costs; and  
30

31 WHEREAS, most small businesses in the State however, cannot  
32 finance a privately-funded paid family and medical leave  
33 insurance program that can provide benefits for all of their  
34 employees; and  
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36 WHEREAS, a state-administered paid family and medical leave  
37 program would benefit the State's workforce while reducing the  
38 financial burden for employers compared to a privately funded  
39 alternative; now, therefore,  
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41 BE IT RESOLVED by the Senate of the Thirty-third  
42 Legislature of the State of Hawaii, Regular Session of 2025,



1 that the Department of Labor and Industrial Relations is  
2 requested to convene a working group to develop recommendations  
3 for establishing and implementing a paid family and medical  
4 leave program for the State; and  
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6 BE IT FURTHER RESOLVED that the Department of Labor and  
7 Industrial Relations is requested to conduct an actuarial study  
8 of the State's workforce, employers, potential beneficiaries,  
9 and other elements necessary to implement a paid family and  
10 medical leave program; and  
11

12 BE IT FURTHER RESOLVED that the working group is requested  
13 to:  
14

- 15 (1) Recommend parameters for a statewide paid family and  
16 medical leave program that benefits both public and  
17 private sector workers;  
18
- 19 (2) Review the impacts of federal and state laws,  
20 including the federal Employee Retirement Income  
21 Security Act of 1974; federal Family and Medical Leave  
22 Act of 1993; Prepaid Health Care Act, codified at  
23 chapter 393, Hawaii Revised Statutes; and Hawaii  
24 Family Leave Law, codified at chapter 398, Hawaii  
25 Revised Statutes; federal and state regulations; and  
26 any relevant programs, on the establishment of a paid  
27 family and medical leave program;  
28
- 29 (3) Review independent studies, research, and other  
30 information regarding paid family and medical leave;  
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- 32 (4) Develop an implementation plan that considers the  
33 findings of the actuarial study conducted by the  
34 Department of Labor and Industrial Relations and  
35 outlines an administrative framework for paid family  
36 and medical leave, including departmental oversight,  
37 projected costs, employer and employee contribution  
38 rates, staffing needs, outreach to employers and  
39 employees, and potential timelines for program  
40 enactment and the initiation of benefits distribution;  
41



(5) Examine and address how the State's Temporary Disability Insurance (TDI) program may interface with or complement the paid family and medical leave program, including the feasibility, cost-benefit analysis, and a general roadmap for transitioning the existing private TDI program to an expanded public program that includes or complements paid family and medical leave benefits; and

(6) Review any other relevant subject matter items it deems necessary to fulfill its purpose of developing recommendations for the establishment and implementation of a paid family and medical leave program for the State; and

BE IT FURTHER RESOLVED that the working group is requested to be composed of the following members:

(1) The Director of Labor and Industrial Relations, or the Director's designee, to serve as chairperson of the working group;

(2) The Chair of the House of Representatives Standing Committee on Labor, or the Chair's designee;

(3) The Chair of the Senate Standing Committee on Labor and Technology, or the Chair's designee;

(4) The Director of Human Resources Development;

(5) A representative from the Hawaii State Teachers Association, to be invited by the chairperson of the working group;

(6) A representative from the United Public Workers, AFSCME Local 646, AFL-CIO, to be invited by the chairperson of the working group;

(7) A representative from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO, to be invited by the chairperson of the working group;



- 1 (8) A representative from Aloha United Way, to be invited  
2 by the chairperson of the working group;  
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- 4 (9) A representative from the American Association of  
5 University Women of Hawaii, to be invited by the  
6 chairperson of the working group;  
7
- 8 (10) A representative from an organization representing the  
9 interests of businesses with fewer than fifty  
10 employees, to be selected and invited by the Senate  
11 President;  
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- 13 (11) A representative from an organization representing the  
14 interests of businesses with fewer than fifty  
15 employees, to be selected and invited by the Speaker  
16 of the House of Representatives;  
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- 18 (12) A representative from AARP Hawaii, to be invited by  
19 the chairperson of the working group;  
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- 21 (13) A representative from the University of Hawaii  
22 Professional Assembly, to be invited by the  
23 chairperson of the working group;  
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- 25 (14) A representative from Hawaii Children's Action Network  
26 Speaks!, to be invited by the chairperson of the  
27 working group;  
28
- 29 (15) A representative from a private insurance company  
30 offering Temporary Disability Insurance benefits in  
31 the State or an association of insurers, to be  
32 selected and invited by the Governor; and  
33
- 34 (16) Any other individual whom the chairperson of the  
35 working group deems necessary or to have relevant  
36 experience, knowledge, or expertise, to be selected  
37 and invited by the chairperson of the working group;  
38 and  
39

40 BE IT FURTHER RESOLVED that the working group is requested  
41 to identify parameters for a paid family and medical leave  
42 program, including:



- (1) A minimum duration of leave that meets the needs of the State's workers;
- (2) A system of wage replacement;
- (3) Coverage for a worker's serious illness, caring for a loved one with a serious illness, bonding with a new child, and needs arising from military deployment and the effects of domestic violence, stalking, and sexual assault;
- (4) Coverage for all employees of employers who employ one or more employees, and a mechanism for the participation of the self-employed;
- (5) A definition of "family" or "family member" for whom an individual may take leave for purposes of providing care that is at least as broad as the definition in chapter 398, Hawaii Revised Statutes, the existing Hawaii Family Leave Law; and
- (6) Employment protections to ensure use of paid family and medical leave does not adversely impact employment; and

BE IT FURTHER RESOLVED that the working group is requested to utilize independent consultants and administrative facilitators that may be contracted by the Department of Labor and Industrial Relations, as needed, to:

- (1) Support the working group in performing its duties, including but not limited to providing administrative facilitation and assisting with the working group's:
  - (A) Review of relevant federal and state laws, regulations, and programs;
  - (B) Comparative analyses;
  - (C) Development of recommendations on the parameters of the paid family and medical leave program,



1 including compliance requirements, eligibility  
2 criteria, and other program requirements;  
3

4 (D) Development of recommendations on the Department  
5 of Labor and Industrial Relations' staffing and  
6 operating requirements; and  
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8 (F) Drafting of the report of its findings and  
9 recommendations to the Legislature, including  
10 drafting of the proposed legislation; and  
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12 (2) Assist the Department of Labor and Industrial  
13 Relations in conducting the actuarial study as  
14 requested in this resolution; and  
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16 BE IT FURTHER RESOLVED that the working group is requested  
17 to submit a report of its findings and recommendations,  
18 including any proposed legislation, to the Legislature no later  
19 than twenty days prior to the convening of the Regular Session  
20 of 2026; and  
21

22 BE IT FURTHER RESOLVED that certified copies of this  
23 Resolution be transmitted to the Governor, President of the  
24 Senate, Speaker of the House of Representatives, Chair of the  
25 Senate Standing Committee on Labor and Technology, Chair of the  
26 House of Representatives Standing Committee on Labor, Director  
27 of Labor and Industrial Relations, and Director of Human  
28 Resources Development.  
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