



‘O kēia ‘ōlelo hō’ike no ke
Komikina Kūlana Olakino o Nā Wāhine

Testimony on behalf of the
Hawai‘i State Commission on the Status of Women

Prepared for the House Committee on Labor

In Support of SB1046 SD2
Tuesday, March 12, 2019, at 9:00 a.m. in Room 309

Dear Chair Johanson, Vice Chair Eli, and Honorable Members,

The Hawai‘i State Commission on the Status of Women strongly supports SB1046 SD2, which would allow an employee to take family leave in addition to victim leave when the leave is related to domestic or sexual violence against the employee or the employee's minor child. The measure would require an employee to submit certification related to domestic or sexual violence of the employee or the employee's minor child. The Commission notes that domestic and sexual violence is continuing to overwhelm the resources of local service providers. Hawai‘i workplaces should be modeled after the experiences and life patterns of women, including the gender-based violence that often disrupts our lives.

Sincerely,
Khara Jabola-Carolus

SB-1046-SD-2

Submitted on: 3/10/2019 1:40:25 PM

Testimony for LAB on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Younghi Overly	AAUW of Hawaii	Support	No

Comments:

Dear Chair Johanson, Vice-Chair Eli, and members of the committee,

Thank you for this opportunity to submit a testimony in strong support of SB1046 SD2, which would allow an employee to take family leave in addition to victim leave when the leave is related to domestic or sexual violence against the employee or the employee's minor child. The domestic and sexual violence unfortunately is still a big problem in Hawaii, disrupts lives of the victims and their families, and continues to overwhelm the resources of local service providers. Anything Hawai'i workplaces can do would be helpful to the victims and their families.

American Association of University Women (AAUW) of Hawaii is a state-wide organization made up of six branches (Hilo, Honolulu, Kauai, Kona, Maui, and Windward Oahu) and includes just over 450 active members with over 1700 supporters statewide. As advocates for gender equity, AAUW of Hawaii promotes the economic, social, and physical well-being of all persons.



TO: Chair Johanson, Vice Chair Eli, and Members of the House Committee on Labor & Public Employment

FROM: Ryan Kusumoto, President & CEO of Parents And Children Together (PACT)

DATE/LOCATION: March 12, 2019; 9:00 a.m., Conference Room 309

RE: TESTIMONY IN STRONG SUPPORT OF SB 1046– RELATING TO DOMESTIC VIOLENCE

We ask you to support SB 1046 which seeks to allow an employee to take family leave in addition to victim leave when the leave is related to domestic or sexual violence against the employee or the employee's minor child. The bill also requires employer confidentiality of information related to domestic or sexual violence against the employee or the employee's minor child. We strongly support this bill which would provide survivors and their minor children with additional time for tending to essential needs without fear of losing employment and/or necessary income, which is critical to their future independence and success.

Domestic violence survivors not only endure the trauma of the abuse itself but also must deal with additional baggage in the wake of the drama and destruction. There is often the additional burden of legal follow up, medical and health related issues, necessity to seek new shelter, not to mention the healing process itself and the time and effort that is associated with these many tasks on top of normal day to day life. This bill would support survivors and provide them time and space to accomplish important tasks on their path towards hope and healing.

Founded in 1968, Parents And Children Together (PACT) is one of Hawaii's not-for-profit organizations providing a wide array of innovative and educational social services to families in need. Assisting more than 15,000 people across the state annually, PACT helps families identify, address and successfully resolve challenges through its 18 programs. Among its services are: early education programs, domestic violence prevention and intervention programs, child abuse prevention and intervention programs, childhood sexual abuse supportive group services, child and adolescent behavioral health programs, sex trafficking intervention, and poverty prevention and community building programs.

Thank you for the opportunity to testify in **support of SB 1046**, please contact me at (808) 847-3285 or rkusumoto@pacthawaii.org if you have any questions.

March 10, 2019

To: Rep. Aaron Ling Johanson, Chair
Rep. Stacelynn K.M. Eli, Vice Chair
House Committee on Labor and Public Employment

From: Laura Nevitt, Director of Public Policy
Hawaii Children's Action Network

Re: **S.B. 1046— RELATING TO DOMESTIC VIOLENCE.**
Hawaii State Capitol, Room 309 , March 12, 9:00 AM

HCAN is committed to improving lives and being a strong voice advocating for Hawai'i's children. We write in SUPPORT, with ammendments to SB 1046 which allows an employee to take family leave in addition to victim leave when the leave is related to domestic or sexual violence against the employee or the employee's minor child. Requires an employee to submit certification related to domestic or sexual violence of the employee or the employee's minor child. Requires employer confidentiality of information related to domestic or sexual violence against the employee or the employee's minor child. Effective 1/1/2023. (SD1)

Victims of domestic violence, which are more often than not women, must take time off of work to deal with the various health and safety needs of themselves and/or their children. They need time and ongoing income to move forward. This bill provides the resources for a successful transition and provides an important safety net to maintain employment, quality of life and safety.

For these reasons, HCAN asks the committee to pass SB 1046.

HCAN is committed to building a unified voice advocating for Hawaii's children by improving their safety, health, and education.

SB-1046-SD-2

Submitted on: 3/9/2019 11:10:07 PM

Testimony for LAB on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary	Individual	Support	No

Comments:

Aloha,

AARON LING JOHANSON, CHAIR & COMMITTEE MEMBERS,

COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

RE: SB1046 SD2, RELATING TO DOMESTIC VIOLENCE

Tuesday, March 12, 2019, 9:00 AM, House Conference Room 309

Thank you for this opportunity to testify as an individual in support of SB1046 SD2. My name is Mary Fenton, and I am a student at the Myron B. Thompson School of Social Work in the Master of Social Work program. I strongly support SB1046 SD2, which seeks to allow an employee to take family leave, in addition to victim leave when the leave is related to domestic or sexual violence against the employee or the employee's minor child. This bill will also require employer confidentiality of information related to domestic or sexual violence against the employee or the employee's minor child, and requires an employee to submit certification related to domestic or sexual violence of the employee or the employee's minor child.

As an individual who has spent time volunteering at locations that offer services to those affected by domestic and sexual violence, I know how imperative it is during the process of healing and recovery that survivors and their families are supported. According to the National Coalition Against Domestic Violence, 1 in 3 women and 1 in 4 men in the United States have experienced some form of physical violence by an intimate partner. Furthermore, domestic violence hotlines

in the United States receive approximately 21,000 calls a day, or about 15 calls every minute. Going further, according to the National Coalition Against Domestic Violence, in a single day in Hawaii, domestic violence programs served 505 victims.

This bill will provide additional time for survivors and their families to tend to essential medical and health related appointments, counseling, arrange for housing, child care and alternative accommodations, safety planning and tend to legal matters. Maintaining employment and providing for one's family in a high cost of living state is already a challenge, and that coupled with facing the aftermath of trauma from the experience of domestic and sexual violence can be overwhelming. This bill will promote healing and recovery in the long term by allowing survivors the time and opportunity to maintain their employment and remain independent and self sufficient, without the fear adverse employment consequences. Thank you again for your time and consideration as I testify in support of SB1046 SD2.

Sincerely,

Mary Fenton

marydf@hawaii.edu

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



LATE

SCOTT T. MURAKAMI
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March 12, 2019

To: The Honorable Aaron Ling Johanson, Chair,
The Honorable Stacelynn K.M. Eli, Vice Chair, and
Members of the House Committee on Labor & Public Employment

Date: Tuesday, March 12, 2019

Time: 9:00 a.m.

Place: Conference Room 309, State Capitol

From: Scott T. Murakami, Director
Department of Labor and Industrial Relations (DLIR)

Re: S.B. No. 1046 S.D. 2 RELATING TO DOMESTIC VIOLENCE

I. OVERVIEW OF PROPOSED LEGISLATION

SB1046SD2 amends section 398-3, Hawaii Revised Statutes (HRS), by allowing an employee to take family leave, separate from victim leave under section 378-72, HRS, to seek safety, medical attention, or victim services related to domestic or sexual violence against the employee or the employee's minor child.

The measure also adds certification requirements relating to the domestic or sexual violence against the employee or the employee's minor child and requires all information provided to the employer be maintained confidential by the employer, and shall not be disclosed, except when requested or consented by the employee, ordered by a court or administrative agency, or otherwise required by applicable federal or state law.

DLIR [offers comments](#).

II. CURRENT LAW

The Hawaii Family Leave Law (HFLL), Chapter 398, HRS, provides four weeks of family leave for employees of employers with 100 or more employees, upon the birth or adoption of a child, or to care for a family member with a serious health condition.

Chapter 378, Employment Practices, Part VI Victims Protections, includes a provision (section 378-72(a)) for up to 30 days of protected leave for businesses with 50 or more employees and 5 days for businesses with 49 or less employees.

Section 378-73 requires the exhaustion of all other types of leave before section 378-72(a) leave can be taken and providing for a combined maximum of 30 days of protected leave. Violations are enforced through civil action.

III. COMMENTS ON THE SENATE BILL

The DLIR supports protecting victims of domestic or sexual violence from losing their jobs because of time taken to recover from the illegal acts of others. The DLIR notes that if the measure is enacted into law as drafted it will expand the pool of people who will be eligible for the leave, and thus potentially increase the number of complainants who need the aid of the DLIR. The nature of this type of investigation is more difficult because keeping a complainants' confidentiality expands the investigation to keep anonymity. The impact on staffing or resources is difficult to predict.



LATE

SB1046 SD2
RELATING TO DOMESTIC VIOLENCE
House Committee on Labor & Public Employment

March 12, 2019

9:00 a.m.

Room 309

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB1046 SD2, which seeks to amend the Hawaii Family Leave Law to allow an employee to take family leave, separate from victim leave, related to domestic or sexual violence against the employee or the employee's minor child. This bill would ensure that Native Hawaiian adults and youth—who experience high rates of intimate partner violence and domestic abuse—receive adequate time to tend to the cumulative and harmful consequences to their health, financial security, and safety resulting from domestic violence, without fear of adverse consequences to their employment.

The Native Hawaiian community is uniquely impacted by domestic violence issues and the attendant consequences suffered by victims. OHA research shows that Native Hawaiian keiki are over-represented as victims of abuse and neglect.¹ Native Hawaiian youth also suffer from alarming rates of intimate partner violence starting in middle and high school;² for example, 18% of Native Hawaiian high school females state they have been forced to engage in sexual acts by their date or partner.³ Moreover, adult Hawaiian women experience intimate partner violence at significantly higher levels than non-Hawaiian women, especially during the ages of 18-29 years old and 45-59 years old.⁴

OHA has long advocated for meaningful policies to reduce inequities faced by Native Hawaiians, such as those associated with domestic violence. Most recently, OHA spearheaded the effort to codify “social determinants of health” through Act 155 (Reg. Sess. 2014) and require state agencies to take a holistic and systemic approach to addressing health disparities seen in Native Hawaiian and other communities. Domestic violence can greatly impact victims’ mental and physical health as well as their overall well-being, including but not limited to their economic and housing security. Accordingly, given the particular impacts of domestic violence on the Native Hawaiian community, OHA has an interest in policy solutions that can help stabilize and protect

¹ See generally, OFFICE OF HAWAIIAN AFFAIRS, HAUMEA—TRANSFORMING THE HEALTH OF NATIVE HAWAIIAN WOMEN AND EMPOWERING WĀHINE WELL-BEING (2018).

² *Id.* at 80-81.

³ Alarming, 1 in 10 high school females, both Native Hawaiians and generally, have been forced to have sexual intercourse. *Id.*

⁴ *Id.* at 81-82.

Native Hawaiian families and others impacted by domestic violence and its manifold consequences.

Victims of domestic violence often need to take leave from their employment to attend to various health and legal matters. Addressing such matters should not result in further risks to their financial security or employment, which may only further exacerbate impacts to their personal health and well-being. **By allowing victims to take leave to deal with their abusive circumstances, without fear of adverse employment consequences, SB1046 SD2 would promote the well-being of Native Hawaiian families and others impacted by domestic violence, and make Hawai'i a leader in efforts to protect children and adults experiencing the trauma of domestic violence.**

Accordingly, OHA urges the Committee to **PASS** SB1046 SD2. Mahalo nui for the opportunity to testify on this measure.

LATE

SB-1046-SD-2

Submitted on: 3/12/2019 1:59:21 AM

Testimony for LAB on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

LATE

SB-1046-SD-2

Submitted on: 3/11/2019 9:24:30 PM

Testimony for LAB on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ann S Freed	Hawaii Women's Coalition	Support	No

Comments:

LATE

SB1046 HD2
RELATING TO DOMESTIC VIOLENCE; SEXUAL VIOLENCE
House Committee on Labor & Public Employment, Judiciary and Finance
Joint Public Hearing - March 12, 2019

9:00 a.m./p.m., State Capital, House Conference Room 309

By

University of Hawaii at Manoa Master of Social Work Student

I am a resident of Honolulu, as well as a Master of Social Work student at the University of Hawaii at Manoa. I strongly support the SB 1046 HD2 bill in the matter of domestic or sexual violence against the employee or the employee's minor child in regards to allow them to take victim leave when they need in order to seek safety or medical attention for themselves or their child, or to take legal action against an abuser. Present-day victims or victims' parents of employees must use his/her paid and sick leave before using victim leaves. If we allow an employee to take family leave, separate from victim leave, this would help the current inconvenience. In those traumatic stressful times that the victims and their family they have to go through, it is important that they receive understanding and support from their employer.

I would like to share the story of a client who was born and raised in a foreign country. She married with an American man. She had hopes and a dreams for her future life in the U.S. Unfortunately, soon after the marriage, she found out that her husband had a serious drug problem. While struggling through her new life, he became increasingly violent. I remember clearly when she attended a court hearing against her ex-husband, she was terrified to even face him in the same room. Nonetheless, she was also worried about her future life without him. She needed to become an independent person with her small child in an unfamiliar culture.

I am testifying in favor of SB 1046 HD2. I am providing commentary on the importance of having an eligible family leave separate from victim leave that would allow survivors necessary time to seek the services that they need. This adjustment will tremendously benefit the victim and their families.

Additional support for survivors' journeys towards healing from traumatic events and provide a platform for self-care and for their well-being. Keeping a job is an important factor in maintaining their independent life. Also, recognising and understanding support from the victims' or their parents' workplace during such a challenging time may give survivors less stress within their workplace.

Being the victim or the parent of a victim of such sensitive situations should not be costly, should not be time-consuming, and should not jeopardize one's employment.

Thank you for the opportunity to comment on this bill.

Master of Social Work student at the University of Hawaii at Manoa