

STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON SENATE BILL 614
A BILL FOR AN ACT RELATING TO FAMILY LEAVE

PRESENTATION TO THE
SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

BY

MAJOR GENERAL ROBERT G. F. LEE
ADJUTANT GENERAL
February 10, 2009

Chair Espero, Vice-Chair Bunda, and Members of the Committee:

I am Major General Robert G. F. Lee, State Adjutant General. I am testifying on Senate Bill 614. This bill grants family leave to an employee during any calendar year during a military deployment.

We support the intent of Senate Bill 614, however are concerned about the impact on Hawaii business. Additionally, State and federal laws provides family leave up to twelve weeks and applies to employers that have fifty or more employees. Expansion of additional leave benefits to current laws may not be appropriate during such difficult economic situation in our nation and state.

Chair Espero, thank you for the opportunity to provide this testimony. Are there any questions?

LINDA LINGLE
GOVERNOR



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DIRECTOR

COLLEEN Y. LaCLAIR
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**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

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To: The Honorable Will Espero, Chair
and Members of the Senate Committee on Public Safety and Military Affairs

Date: Tuesday, February 10, 2009
Time: 8:30 a.m.
Place: Conference Room 312
State Capitol

From: Darwin L.D. Ching, Director
Department of Labor and Industrial Relations

Re: S.B. 614 - Relating to Family Leave

I. OVERVIEW OF PROPOSED LEGISLATION

S.B. 614 proposes to amend the Hawaii Family Leave Law, Chapter 398, Hawaii Revised Statutes ("HRS") by allowing individuals to take Hawaii Family Leave when their child, spouse, parent, or reciprocal beneficiary is on military deployment.

This Act would take effect on July 1, 2009.

II. CURRENT LAW

The Hawaii Family Leave Law applies only for the birth or adoption of child, or the care of a child, spouse, parent, or reciprocal beneficiary with a serious health condition. The law applies to employers with at least 100 employees.

The federal Family Medical Leave Act provides 12 weeks of family leave and applies to employers with at least 50 employees.

III. HOUSE BILL

The Department supports the intent of this bill. However, we are concerned about the bill's impact on Hawaii business.

1. The Department recognizes the many challenges that military families face when a loved one is deployed abroad. However, the Department is concerned that this legislation may place an extra burden on businesses during these difficult economic times. The loss of productivity due to the absence of an employee for reasons not related to his or her own inability to work may prove too costly for Hawaii businesses to absorb.
2. It is important to note that the Hawaii Family Leave Act, coupled with the federal Family Medical Leave Act, already provides generous benefits to all families across the State. We must all assess the costs and benefits of expanding these programs during such difficult economic times.



**Testimony to the Senate Committee on Public Safety and Military Affairs
Tuesday, February 10, 2009
1:00 PM
Conference Room 229**

RE: SENATE BILL NO. 614 RELATING TO FAMILY LEAVE

Chair Espero, Vice Chair Bunda, and members of the committee.

My name is Charles Ota and I am the Vice President for the Military Affairs Committee of The Chamber of Commerce of Hawaii (The Chamber). I am here to state The Chamber's support of the intent of Senate Bill No. 614, Relating to Family Leave.

The Chamber's Military Affairs Council (MAC) serves as the liaison for the state in matters relating to the U.S. military and provides oversight for the State's multi-billion dollar defense industry.

The measure proposes to grant family leave to an employee during any calendar year to provide family care and support during the military deployment of the employee's child, spouse or reciprocal beneficiary, or parent. Requires an employee to provide proof of military deployment, and defines "military deployment".

I would specifically like to address SECTION 2, paragraph (a) (4) of this bill.

The MAC believes that this proposal was introduced to relieve serious family stresses for members of the Hawaii Army and Air National Guard units and Hawaii-based US military Reserve units that are being recalled to active duty to augment the over-burdened active duty force in the ongoing war against terrorism. Many of these National Guard and Reserve members, and their families, are facing extremely stressful situations that require strong family support. We support the intent of this proposal.

However, we believe that the verbiage in the above cited paragraph is broader than the federal law enacted by the Family and Medical Leave Act of 1993 (as amended) and could result in confusion for Hawaii employers, especially with the most recent changes that were prompted by the National Defense Authorization Act of FY 2008 on January 16, 2009.

In light of the above, we recommend that paragraph (a) (4) under SECTION 2 be revised to read as follows:

"(4) Any qualifying exigency (as provided by regulation 29 C.F.R 825.126) arising out of the fact that the spouse, reciprocal beneficiary, son, daughter, or parent of the employee is on