

BIA-HAWAII

BUILDING INDUSTRY ASSOCIATION

THE VOICE OF THE CONSTRUCTION INDUSTRY

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Testimony to the Senate Committees on Judiciary & Labor, and Senate Committee on Ways & Means Wednesday, February 24, 2016 10:00 a.m. State Capitol - Conference Room 211

RE: SB 2961 SD1 – Relating to Family Leave.

Dear Chairs Keith-Agaran & Tokuda, Vice-Chairs Shimabukuro & Dela Cruz, and members of the Committees:

My name is Gladys Marrone, Chief Executive Officer for the Building Industry Association of Hawaii (BIA-Hawaii), the Voice of the Construction Industry. We promote our members through advocacy and education, and provide community outreach programs to enhance the quality of life for the people of Hawaii. BIA-Hawaii is a not-for-profit professional trade organization chartered in 1955, and affiliated with the National Association of Home Builders.

We are in opposition to S.B. 2961 SD1, which would require employees to make contributions into a trust fund to be used to provide employees with family leave insurance benefits in order to care for a designated person.

We appreciate and understand the intent of this bill to allow for paid leave in the workplace. However, we are concerned about the cost and management of the fund, and whether a shortage will lead to a future employer tax. Workers would be shouldering the bulk of the cost of this fund, which would have an adverse effect on the cost of running a business in Hawaii. In addition, we do have concerns on the length of leave allowed, and the effect that would have on business operations.

We are opposed to S.B. 2961 SD1, and appreciate the opportunity to express our views on this matter.



Date: February 23, 2016

To: The Honorable Gilbert S.C. Keith-Agaran, Chair
The Honorable Maile S.L. Shimabukuro, Vice Chair
Members of the Senate Committee on Judiciary and Labor

The Honorable Jill N. Tokuda, Chair
The Honorable Donovan M. Dela Cruz, Vice Chair
Members of the Senate Committee on Ways and Means

From: Jessica Yamauchi, Executive Director, Hawai'i Public Health Institute

Re: **Strong Support for SB 2961, SD1, Relating to Family Leave**

DM: February 24, 2016 at 10:00 am at Capitol Room 211

Thank you for the opportunity to offer testimony in strong support of SB 2961, Relating to Family Leave.

The Hawai'i Public Health Institute (HIPHI) supports and promotes policy efforts to create a healthy Hawai'i. HIPHI weaves silos into working relationships as an effective network, ensuring that we come together across sectors to advance collaboration and innovation in public health and work towards making Hawai'i the healthiest place on earth.

HIPHI strongly supports SB 2961, SD1 which will establish a family leave insurance program, requiring employees to make contributions into a trust fund to be used to provide employees with family leave insurance benefits in order to care for a designated person. Paid time off for families to care for a newborn also helps to establish a foundation in breastfeeding. Infant feeding practices can greatly affect later growth and development and can be a protective factor against obesity.¹ The American Academy of Pediatrics and the World Health Organization recommend exclusive breastfeeding for the first six months of life and continued breastfeeding with the addition of other foods until a child is at least twelve months of age.²

"A robust body of evidence suggests that breastfeeding has multiple health benefits for infants, and that paid family leave (and other forms of maternity leave) significantly increases the length of time that mothers breastfeed. In a review and analysis of studies of breastfeeding in developed countries, the U.S. Agency for Healthcare Research and Quality found that full-term infants fed

¹ S. Arenz et al., *Breast-feeding and childhood obesity - a systematic review*, 28(10) International Journal of Obesity and Related Metabolic Disorders 1247-56 (2004).

² American Academy of Pediatrics, *AAP Reaffirms Breastfeeding Guidelines*, <https://www.aap.org/en-us/about-the-aap/aap-press-room/pages/AAP-Reaffirms-Breastfeeding-Guidelines.aspx> (last updated February 27, 2012).

formula are at substantially greater risk than breastfed infants for acute ear infection, eczema, gastrointestinal infection, hospitalization for lower respiratory tract diseases in the first year of life, asthma, childhood obesity, Type 2 diabetes, leukemia, and sudden infant death syndrome (SIDS).”³

California, New Jersey, and Rhode Island have passed similar legislation providing partial wage replacement for family and medical leave purposes. A 2011 study of California’s family and medical leave insurance program estimated that it would save employers \$89 million per year.

Paid family leave is beneficial for everyone. I ask that you support SB 2961, SD1 and pass this measure out of committee.

Thank you for the opportunity to provide testimony.

A handwritten signature in black ink, reading "Jessica Yamauchi". The signature is fluid and cursive, with the first name "Jessica" and last name "Yamauchi" clearly distinguishable.

Jessica Yamauchi, MA
Executive Director

³ http://www.nccp.org/publications/pdf/text_1059.pdf



Testimony to the Senate Committees on Judiciary & Labor; and
Senate Committee on Ways & Means
February 24, 2016

Testimony in Opposition to SB 2961 SD1, Relating to Family Leave

To: The Honorable Gil Keith-Agaran, Chair
The Honorable Maile Shimabukuro, Vice-Chair
The Honorable Jill Tokuda, Chair
The Honorable Donovan Dela Cruz, Vice-Chair
Members of the Committees

My name is Stefanie Sakamoto, and I am testifying on behalf of the Hawaii Credit Union League, the local trade association for 63 Hawaii credit unions, representing over 800,000 credit union members across the state.

We are in opposition to SB 2961 SD1, which would require employees to make contributions into a trust fund to be used to provide employees with family leave insurance benefits in order to care for a designated person.

While we appreciate and understand the intent of this bill to allow for paid leave in the workplace, we are concerned about the cost and management of the fund. The contribution of money into this fund by employees may have an adverse effect on the cost of running a business in Hawaii.

Thank you for the opportunity to testify.

The Twenty-Eighth Legislature
Regular Session of 2016

THE SENATE

Committee on Judiciary and Labor

Senator Gilbert S.C. Keith-Agaran, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

Committee on Ways and Means

Senator Jill N. Tokuda, Chair

Senator Donovan M. Dela Cruz, Vice Chair

State Capitol, Conference Room 211

Wednesday, February 24, 2016; 10:00 a.m.

STATEMENT OF THE ILWU LOCAL 142 ON S.B. 2961, SD1 RELATING TO FAMILY LEAVE

The ILWU Local 142 **opposes** S.B. 2961, SD1, which establishes a family leave insurance program, which requires employees to make contributions into a trust fund to be used to provide employees with family leave insurance benefits in order to care for a designated person and appropriates funds to DLIR to implement the program.

Our opposition is NOT to the concept of providing paid family leave. On the contrary, we strongly support employees being provided paid leave to care for a newborn child or a seriously ill family member. Caring for ohana is a value that is nurtured and promoted among Hawaii residents.

What we do oppose is the proposal to require employees to pay into a fund to pay for their own leave. Paid leave should be provided by the employer as a cost of doing business. The employer will reap benefits that come from retaining experienced and skilled employees who need not contemplate leaving a job to tend to an ill family member, thus freeing the employer from having to hire and train new employees. Furthermore, when an employee is relieved of the stress of making the choice between caring for an ill family member or performing his job, the employee is likely to be more loyal and productive, another benefit to the employer.

In addition, expecting the Department of Labor and Industrial Relations to assume the tasks of administering an insurance program, collecting taxes, and paying benefits is highly unrealistic due to the cost and staffing required.

We also have numerous questions about whether the proposal is actuarially sound, what the employee contribution will be, the impact on other employee benefits, how the benefit will be calculated, and more.

While it is commendable that S.B. 2961, SD1 seeks to address the need for paid family leave, we do not believe this bill is the proper vehicle. The ILWU respectfully requests that this measure be HELD.

Thank you for the opportunity to share our views and concerns.

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB2961 on Feb 24, 2016 10:00AM
Date: Tuesday, February 23, 2016 10:20:26 PM

SB2961

Submitted on: 2/23/2016

Testimony for JDL/WAM on Feb 24, 2016 10:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Melissa Pavlicek	NFIB	Oppose	No

Comments: NFIB respectfully opposes this measure. Federal FMLA applies to larger companies (50 or more employees) for a reason: smaller companies would be unduly burdened if they have to keep a job open for 12 weeks even if they are a small 6 person business. We believe that this bill is unworkable. We appreciate the opportunity to testify and look forward to being a part of the ongoing conversation regarding leave policies.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov



Testimony to: Senate Committees on Judiciary and Labor and Ways and Means

Date: February 24, 2016

Time: 10:00 a.m.

Room: Capitol Room 211

RE: SB 2961, SD 1, Relating to Family Leave

Aloha Chairs Keith-Agaran and Tokuda, Vice Chairs Shimabukuro and Dela Cruz and Members of the Committees:

Aloha members of the committees:

I am John Knorek, the Legislative Committee chair for the Society for Human Resource Management – Hawaii Chapter (“SHRM Hawaii”). SHRM Hawaii represents more than 800 human resource professionals in the State of Hawaii.

We are writing to respectfully oppose SB 2961, SD 1, which establishes a family leave insurance program, requires employees to make contributions into a trust fund to be used to provide employees with family leave insurance benefits in order to care for a designated person and appropriates funds to DLIR to implement the program.

Human resource professionals are keenly attuned to the needs of employers and employees. We are the frontline professionals responsible for businesses’ most valuable asset: human capital. We truly have our employers’ and employees’ interests at heart. We respectfully oppose this measure because of the implementation challenges and administrative burden it would impose, and for the potential of unintended conflict with other leave laws. We will continue to review this bill and, if it advances, request to be a part of the dialogue concerning it. Thank you for the opportunity to testify.



LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: *Submitted testimony for SB2961 on Feb 24, 2016 10:00AM*
Date: Wednesday, February 24, 2016 8:44:44 AM

SB2961

Submitted on: 2/24/2016

Testimony for JDL/WAM on Feb 24, 2016 10:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Noriko Namiki	YWCA Oahu	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: [Brendan Tomas](#)
To: [JDL Testimony](#)
Subject: Establish Paid Family Leave in Hawaii
Date: Tuesday, February 23, 2016 3:26:12 PM

From: [REDACTED] <Brendan Tomas>

Message:

To:

Senator Gilber S.C. Keith-Agaran, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

Members of the Senate Committee on Judiciary and Labor

Senator Jill N. Tokuda, Chair

Senator Donovan M. Dela Cruz, Vice Chair

Members of the Senate Committee on Ways and Means

Re: Testimony in Strong Support of SB 2961, Relating to Family Leave

February 24, 2016

Currently, employees in Hawaii do not have any right to paid medical or family leave. While the federal Family Medical Leave Act (FMLA, which leaves out 40 percent of the workforce) allows for unpaid leave with job protection up to 12 weeks for employers with 50 or more employees, our own Hawaii Family Leave Law only applies to those with 100 or more employees and allows for 4 weeks of unpaid leave. Only 2% of employers in the State must comply with our Hawaii Family Leave Law, thereby applying to only 16% of the workforce.

For employees at firms of less than 100 employees, the decision of whether one receives unpaid maternity leave, paternity leave, or leave to take care of an aging and ill parent or spouse is completely dependent on one's employer. Most people working in Hawaii cannot take unpaid leave and still maintain financial stability. It is clear that our current law needs to be revised and updated to provide true benefit to workers. Our labor laws should reflect our changing workplace demographics.

SB 2961 would apply to all employees in the state. All employees would pay in to a fund through a small payroll deduction; employers would not. Individual contractors would have the ability to opt in to the program, and could likewise, opt out. When an employee needs to provide care to a family member, spouse or child, the employee would provide medical certification and would then be allowed to "take out" of the partial wage replacement fund that they originally paid into. All contributions to the fund would be 100% employee funded, so businesses in Hawaii would not incur a fiscal note. Employers would not be paying employees during their leave. By allowing for universal eligibility, the program becomes self sustaining, thereby not relying on any state funds to continue operating. This is win-win for businesses and employees.

Hawaii has the opportunity to join the rest of the world with this legislation, by passing paid family leave and ensuring a commitment to `ohana. Thank you for this opportunity to provide strong testimony in support.

Brendan Tomas

Kihei

Hawaii

LATE LATE TESTIMONY

From: [Debbie Drummondo](#)
To: [JDLTestimony](#)
Subject: Establish Paid Family Leave in Hawaii
Date: Wednesday, February 24, 2016 4:25:32 PM

From: <Debbie Drummondo>

Message:

To:

Senator Gilber S.C. Keith-Agaran, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

Members of the Senate Committee on Judiciary and Labor

Senator Jill N. Tokuda, Chair

Senator Donovan M. Dela Cruz, Vice Chair

Members of the Senate Committee on Ways and Means

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Debbie Drummondo

Dental Asst

Aiea

Hawaii

From: [Delsin Varian Gonzalez](#)
To: [JDLTestimony](#)
Subject: Establish Paid Family Leave in Hawaii
Date: Wednesday, February 24, 2016 12:39:20 PM

From: <Delsin Varian Gonzalez>

Message:

To:
Senator Gilber S.C. Keith-Agaran, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

Members of the Senate Committee on Judiciary and Labor

Senator Jill N. Tokuda, Chair

Senator Donovan M. Dela Cruz, Vice Chair

Members of the Senate Committee on Ways and Means

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Delsin Varian Gonzalez

Student

Honolulu

Hawaii

From: [Jessica Henao](#)
To: [JDLTestimony](#)
Subject: Establish Paid Family Leave in Hawaii
Date: Wednesday, February 24, 2016 8:58:55 AM

From: <Jessica Henao>

Message:

To:

Senator Gilber S.C. Keith-Agaran, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

Members of the Senate Committee on Judiciary and Labor

Senator Jill N. Tokuda, Chair

Senator Donovan M. Dela Cruz, Vice Chair

Members of the Senate Committee on Ways and Means

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Jessica Henao

Honolulu

Hawaii

From: [Kimberly Hokama](#)
To: [JDLTestimony](#)
Subject: Establish Paid Family Leave in Hawaii
Date: Tuesday, February 23, 2016 3:11:11 PM

From: [REDACTED] <Kimberly Hokama>

Message:

To:

Senator Gilber S.C. Keith-Agaran, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

Members of the Senate Committee on Judiciary and Labor

Senator Jill N. Tokuda, Chair

Senator Donovan M. Dela Cruz, Vice Chair

Members of the Senate Committee on Ways and Means

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Kimberly Hokama

Waipahu

Hawaii

LATE TESTIMONY

From: [Susan Adler](#)
To: [JDLTestimony](#)
Subject: Establish Paid Family Leave in Hawaii
Date: Wednesday, February 24, 2016 8:44:44 AM

From: <Susan Adler>

Message:

A strong family leave bill provides Hawaii parents the opportunity to build a solid foundation for their newborns and all their children. Bonding, trust and unconditional love are necessary for the growth and development of all children.

To:
Senator Gilber S.C. Keith-Agaran, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

Members of the Senate Committee on Judiciary and Labor

Senator Jill N. Tokuda, Chair

Senator Donovan M. Dela Cruz, Vice Chair

Members of the Senate Committee on Ways and Means

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Susan Adler

Kapolei

Hawaii

From: [Susan Emley](#)
To: [JDLTestimony](#)
Subject: Establish Paid Family Leave in Hawaii
Date: Thursday, February 25, 2016 12:56:16 AM

From: <Susan Emley>

Message:

To:

Senator Gilber S.C. Keith-Agaran, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

Members of the Senate Committee on Judiciary and Labor

Senator Jill N. Tokuda, Chair

Senator Donovan M. Dela Cruz, Vice Chair

Members of the Senate Committee on Ways and Means

Re: Testimony in Strong Support of SB 2961, Relating to Family Leave

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Susan Emley

Honolulu

Hawaii

From: [Teresa Ackenback](#)
To: [JDL Testimony](#)
Subject: Establish Paid Family Leave in Hawaii
Date: Wednesday, February 24, 2016 1:20:32 PM

From: <Teresa Ackenback>

Message:

we need to come to terms and get our state up to par, so that families will not be forced to quit their jobs, in order to care for a family member. by passing this bill into law this will allow our families to do so, knowing they will be able to return to their job, and save time and money on unemployment benefits.

To:
Senator Gilber S.C. Keith-Agaran, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

Members of the Senate Committee on Judiciary and Labor

Senator Jill N. Tokuda, Chair

Senator Donovan M. Dela Cruz, Vice Chair

Members of the Senate Committee on Ways and Means

Re: Testimony in Strong Support of SB 2961, Relating to Family Leave

February 24, 2016

Currently, employees in Hawaii do not have any right to paid medical or family leave. While the federal Family Medical Leave Act (FMLA, which leaves out 40 percent of the workforce) allows for unpaid leave with job protection up to 12 weeks for employers with 50 or more employees, our own Hawaii Family Leave Law only applies to those with 100 or more employees and allows for 4 weeks of unpaid leave. Only 2% of employers in the State must comply with our Hawaii Family Leave Law, thereby applying to only 16% of the workforce.

For employees at firms of less than 100 employees, the decision of whether one receives unpaid maternity leave, paternity leave, or leave to take care of an aging and ill parent or spouse is completely dependent on one's employer. Most people working in Hawaii cannot take unpaid leave and still maintain financial stability. It is clear that our current law needs to be revised and updated to provide true benefit to workers. Our labor laws should reflect our changing workplace demographics.

SB 2961 would apply to all employees in the state. All employees would pay in to a fund through a small payroll deduction; employers would not. Individual contractors would have the ability to opt in to the program, and could likewise, opt out. When an employee needs to provide care to a family member, spouse or child, the employee would provide medical certification and would then be allowed to "take out" of the partial wage replacement fund

that they originally paid into. All contributions to the fund would be 100% employee funded, so businesses in Hawaii would not incur a fiscal note. Employers would not be paying employees during their leave. By allowing for universal eligibility, the program becomes self sustaining, thereby not relying on any state funds to continue operating. This is win-win for businesses and employees.

Hawaii has the opportunity to join the rest of the world with this legislation, by passing paid family leave and ensuring a commitment to `ohana. Thank you for this opportunity to provide strong testimony in support.

Teresa Ackenback

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Hawaii