



COMMITTEE ON HUMAN SERVICES

Senator Suzanne Chun Oakland, Chair

Senator Gil Riviere, Vice Chair

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Senator Rosalyn H. Baker, Chair

Senator Michelle N. Kidani, Vice Chair

DATE: Thursday, February 04, 2016

TIME: 1:15pm

PLACE: Conference Room 016

SB2961: TESTIMONY PROVIDING COMMENT

Aloha, Chair Chun Oakland, Chair Baker and Committee Members,

The Democratic Party of Hawai'i Party submits comments on SB2961, but strongly supports the concept of paid family and medical leave, a top legislative priority.

The Party supports the intent of SB2961 and recommends further discussion on its funding mechanism. The discussion should include labor and employee representatives to ensure the funding mechanism is fair to workers protected under the bill.

The bill in current form establishes a family leave insurance program, which is not technically the same as paid leave, though it provides many of the same important benefits and protections. It also increases the length of leave from 4 to 12 weeks and enhances the scope of rights protected under paid leave, which the Party strongly supports.

However, in current form, the bill 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. The sole burden of funding rests solely on employees. We note that if funding falls solely on employees, this adversely impact wages for employees already below a living wage. As the Democratic Party is also committed to making the minimum wage an actual living wage, we recommend further discussion and consideration of equitable alternatives for funding.



Currently, employees in Hawai'i do not have any right to paid medical or family leave. While the federal Family Medical Leave Act (FMLA) allows for unpaid leave with job protection up to 12 weeks for employers with 50 or more employees, our own Hawai'i Family Leave Act only applies to those with 100 or more employees and allows for job protection for up to 4 weeks. Further, only 2% of companies in Hawai'i and 16% of the workforce are protected by our HFLA.

Most people working in Hawai'i cannot take unpaid leave and still maintain financial stability.

Here is some data on how a lack of paid leave affects our economy and employees:

- Workers are forced to choose between a paycheck and their family member. Nearly 25% of adults in the United States have lost a job or been threatened with job loss for taking time off due to illness. Only 11% of workers in the United States have access to paid family leave through their employers.
- Families are pushed into financial crisis because of lost wages or a job loss as a result of a birth or other health needs.
- Low-wage workers are the least likely to have access to family leave. Children in low income families are more likely to miss out on critical time with parents during first weeks of life.

Other states implemented paid family leave policies with no economic disadvantage. California, New Jersey and most recently, Rhode Island, have all passed strong policies providing partial wage replacement for family and medical leave purposes. California passed the nation's first comprehensive paid family leave program in 2002, allowing six weeks of wage replacement leave at 55 percent of a worker's usual weekly earnings. In over ten years that this law has been in effect, California has seen economic, public health, and business savings.

California's experience was reported in "Leaves That Pay: Employer and Worker Experiences with Paid Family Leave in California." The following benefits can be expected:

- Employers in California reported it had minimal impact on their business operations.
- The vast majority of California respondents to the survey reported they were not aware of any instances in which employees abused the state Paid Family Leave program.
- Paid family leave increases median duration of breastfeeding for new mothers who used it (doubled the duration in California).
- The use of paid family leave increases retention of workers.



We are concerned a 100% employee-paid leave fund may disproportionately impact low-wage earners, effectively reducing pay. We recommend discussion to consider alternative funding.

Mahalo for the opportunity to testify,

THE LEGISLATION COMMITTEE of the DEMOCRATIC PARTY OF HAWAII



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February 4, 2016

To: Senator Suzanne Chun Oakland, Chair
Senator Gil Riviere, Vice Chair

Senator Rosalyn Baker, Chair
Senator Michelle Kidani, Vice Chair
Senate Committee on Commerce, Consumer Protection and Health

From: Deborah Zysman, Executive Director
Hawaii Children's Action Network

Re: **SB2961 – Relating to Family Leave - Support**
Hawaii State Capitol, Room016 – February 4, 2016 – 1:15 PM

On behalf of Hawaii Children's Action Network (HCAN), formerly Good Beginnings Alliance, we are writing in support of SB2961 – Relating to Family Leave.

HCAN is committed to improving lives and being a strong voice advocating for Hawai'i's children. Last fall, HCAN convened input in person and online from more than 50 organizations and individuals that came forward to support or express interest for a number of issues affecting children and families in our state that resulted in the compilation of 2016 Hawai'i Children's Policy Agenda, which can be accessed at <http://www.hawaii-can.org/2016policyagenda>.

HCAN supports 2961, which would establish a Paid Family Leave Insurance Program that requires employees to make contributions into a trust fund to be used to provide employees with family leave insurance benefits to care for a designated person. This bill also creates and appropriation to the Department of Labor and Industrial Relations (DLIR) to implement this program.

Currently, Hawaii employees do not have a right to paid medical or family leave. The federal Family Medical Leave Act (which leaves out 40 percent of the state's workforce) provides for unpaid leave with job protection up to 12 weeks for employers with 50 or more employees. The state Family Leave Act applies to employers with 100 or more employees and allows for job protection up to four weeks. This is also unpaid leave.

According to the U.S. Department of Labor, Bureau of Labor Statistics, about 13 percent U.S. workers had access to paid family leave through their employers in 2014. Women are often disproportionately affected, as they are the primary caregivers of infants, children and aging parents. The lack of paid family leave exacerbates the gender wage gap for women but affect the economic stability for both women and men who are caregivers.

Hawaii has the fastest growing aging population in the nation. Our senior (age 65+) population is expected to grow 81 percent by 2030. Approximately, one in three workers report they need leave to care give for an ill spouse or parent but cannot take the time off.

It's a stark reality when employees face the dire choices of needing to be able to care for newborn children, or sick children, spouses or parents, but also needing to work to sustain their family's income. This bill will enable workers to take a small number of weeks out of the workforce and not have to face the impossible choice between their family member's health and their income or jobs.

The purpose of this bill is to ensure access to partial wage replacement for employees needing to provide care for family members. It establishes an employee-funded insurance program to provide partial wage replacement. It does not add another benefit cost to employers, rather, it helps provide an employee (self)-funded benefit which helps employers retain valuable employees.

Other states including California, New Jersey, Rhode Island and Washington and dozens of cities and counties have implemented paid family leave programs and momentum is building to establish similar programs in other states and jurisdictions.

Hawaii's working families need a paid family leave standard, especially with our growing aging population. Families should not have to risk their family's economic security to meet their care giving obligations.

For these reasons, HCAN respectfully requests that the committee vote to pass this bill.



Testimony Presented Before the
Senate Committee on Human Services
Senate Committee on Commerce, Consumer Protection & Health
February 4, 2016 at 1:15 p.m.
by
Khara Jabola-Carolus, Director
Hawai'i Coalition for Immigrant Rights

S.B. 2961 — RELATING TO FAMILY LEAVE

Dear Chairs and Members of the Committees,

On behalf of the Hawai'i Coalition for Immigrant Rights, the immigration arm of Faith Action for Community Equity (FACE), I would like to thank the joint Committees for this opportunity to testify. The Coalition **strongly supports** S.B. 2961, which would guarantee universal access to twelve weeks of employee-funded paid family leave. S.B. 2961, if enacted, would also provide a grievance procedure for applicants who have been denied family leave benefits and would allow biological mothers to utilize Temporary Disability Insurance (recovery from childbirth) along with paid family leave benefits (childcare and bonding).

The Hawai'i Coalition for Immigrant Rights is the only organization in the state that coordinates policy advocacy to advance immigrant rights. Through our community work, we know that the absence of paid family leave exacerbates the gender-based and citizenship-based wage gap in Hawai'i. Immigrants are more likely to be poorer and to occupy low-wage jobs than their U.S.-born counterparts, and to be excluded from paid family leave policies by employers who voluntarily offer these benefits to their workers. While U.S.-born women working full-time in Hawai'i are paid 86 cents for every dollar paid to U.S.-born men, non-citizen women face a double pay gap.¹ Non-citizen women in Hawai'i are paid just 53 cents per every dollar paid to U.S.-born men, amounting to a yearly wage gap of over \$23,000.²

The absence of paid family leave maintains economic inequality by driving immigrants deeper into poverty and dependence on public assistance. The state's unpaid

¹ National Partnership for Women and Families, *Hawaii Women and the Wage Gap* (Oct. 2015), <http://www.nationalpartnership.org/research-library/workplace-fairness/fair-pay/9-2015-hi-wage-gap.pdf>.

² Migration Policy Institute, *Hawaii* (2013), <http://www.migrationpolicy.org/data/state-profiles/state/demographics/HI>.

family leave law is virtually meaningless because it only covers 2.2% of employers.³ Hawai‘i’s high cost of living requires a two-wage family, and a two-wage family requires women’s employment, squeezing out time for unpaid caregiving. At \$650-950 per month, the cost of pre-primary childcare in Hawai‘i exceeds the cost of in-state college tuition and is not within reach for most families. Women continue to be cast as natural caregivers and are often the partner forced to leave their job entirely or for part-time work in order to caretake for a new infant or ailing family member. This increases reliance on public assistance and food stamp participation.

Despite the disproportionate benefit to women, paid family leave is not a special interest issue. Paid family leave would greatly benefit men by promoting fatherhood and, like dozens of other countries, by giving them the option to stay home to care for a loved one. In Iceland, 90 percent of new fathers take paid family leave.⁴ Studies show that men who take two or more weeks off after the birth of a child are more involved than fathers who take no leave in the direct care of their children nine months later.⁵

Children also see health benefits. Newborns whose mothers take longer leaves are more likely to be taken to the pediatrician for regular check-ups and immunizations and more likely to be breastfed. An additional 10 weeks of paid leave for new parents, on average, reduces post-neonatal mortality by up to 4.5 percent.⁶

As a local, underfunded non-profit that currently employs a pregnant staff member, we understand the fear that may be driving small enterprises and the Chamber of Commerce of Hawai‘i to oppose this measure. At first glance, paid family leave does not square perfectly with the short-term needs of capitalism. We urge you; however, to look to businesses both outside of Hawai‘i and within the state — from Booz Allen Hamilton and Nordstrom to Star Market in Kalihi— that offer paid family leave to their workers. These employers know that paid family leave produce benefits in the long-term by increasing worker productivity and morale, avoiding the expensive cost of replacing workers, and allowing for better competition with larger businesses.

Taking care of a newborn child or seriously ill family member is neither vacation time nor sick leave. It may be a labor of love, but it is labor. We respectfully urge you to pass S.B. 2961.

Thank you for this opportunity to testify.

³ Hawaii State Commission on the Status of Women (Jan. 2016).

⁴ European Commission Programme for Employment and Social Solidarity, *The Parental Leave System in Iceland* (Oct. 2008).

⁵ National Partnership for Women and Families, *Children Benefit When Parents Have Access to Paid Leave* (Mar. 2015), <http://www.nationalpartnership.org/research-library/work-family/paid-leave/children-benefit-when-parents.pdf>.

⁶ *Id.*

Khara Jabola-Carolus



February 4, 2016

To: Senator Suzanne Chun Oakland, Chair
Senator Gil Riviere, Vice Chair and Members of the Committee on Human Services

To: Senator Rosalyn Baker, Chair
Senator Michelle Kidani, Vice Chair and Members of the Committee on Commerce, Consumer Protection, and Health

From: Jeanne Y. Ohta, Co-Chair

RE: SB 2961 Relating to Family Leave
Hearing: Thursday, February 4, 2015, 1:15 p.m., Room 016

POSITION: Strong Support

The Hawai'i State Democratic Women's Caucus writes in strong support of SB 2961 Relating to Family Leave which would establish a family leave insurance program from employee contributions into a trust fund.

The Hawai'i State Democratic Women's Caucus is a catalyst for progressive, social, economic, and political change through action on critical issues facing Hawaii's women and girls it is because of this mission that the Caucus strongly supports this measure.

Paid leave makes fiscal sense for small and large businesses because employers are not responsible to pay for the leave time. Paid leave is funded by employees.

We have an economy where many mothers are in the workforce. Nearly 66% of all children in the U.S. have two parents who work or are supported by a single parent. In addition to childcare, by 2020, about 40 percent of the workforce will be providing care for older parents.

It is alarming that nearly 25% of adults in the U.S. have lost or job or been threatened by job loss for leave due to illness and 11% of U.S. workers have access to paid family leave through their employers.

Women, as primary caregivers of infants, children and elderly parents, are affected disproportionately by the unavailability of paid family and medical leave. Women are the primary or co-breadwinners for almost two-thirds of families in the U.S., so women's income lost during maternity leave has significant economic impact on her entire family. Many grandmothers are also caring for grandchildren.

Women in Hawai'i can apply for TDI after giving birth, but it is time-limited. Fathers are not eligible to apply. In Hawai'i the majority of families are "working families" who cannot afford to take unpaid leave. Access to paid family leave alleviates economic instability for struggling families by ensuring job security.

We need legislation because in Hawai'i, only 88 businesses employ 100 or more employees within the state. Thus, only employees from these 88 business are eligible for 4 weeks unpaid leave guaranteed by state law.

We ask the committee to pass this measure and thank the committee for the opportunity to provide testimony.

The Twenty-Eighth Legislature
Regular Session of 2016

THE SENATE

Committee on Human Services

Senator Suzanne Chun Oakland, Chair

Senator Gil Riviere, Vice Chair

Committee on Commerce, Consumer Protection, and Health

Senator Rosalyn H. Baker, Chair

Senator Michelle N. Kidani, Vice Chair

State Capitol, Conference Room 016

Thursday, February 4, 2016; 1:15 p.m.

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

The ILWU Local 142 **opposes** S.B. 2961, 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.

The federal Family and Medical Leave Act and the Hawaii Family Leave Law both provide for unpaid leave to care for a newborn, adopted or foster child and to care for a seriously ill family member while providing job protection for the duration of the family leave. These laws recognize the need for family leave, but they do not acknowledge that most workers need to be paid during such leave. S.B. 2961 is an attempt to provide some monetary compensation for a worker who needs to take family leave by establishing a trust fund with employee contributions.

However, we strenuously object to the requirement that employees themselves must make contributions into a trust fund to pay for their 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 unrealistic and likely very costly.

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 seeks to address the need for paid family leave, we do not believe this bill is the proper vehicle. The ILWU requests that this measure be HELD.

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

From: mailinglist@capitol.hawaii.gov
To: [HMS Testimony](#)
Cc: lho@hawaiipublicpolicy.com
Subject: Submitted testimony for SB2961 on Feb 4, 2016 13:15PM
Date: Thursday, February 04, 2016 9:09:36 AM

SB2961

Submitted on: 2/4/2016

Testimony for HMS/CPH on Feb 4, 2016 13:15PM in Conference Room 016

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.

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Testimony to the House Committees on
Human Services and Consumer Protection and Health
February 4, 2016 at 1:15 p.m.
State Capitol - Conference Room 16

RE: SB 2961 Relating to Family Leave

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, 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.



SHRM Hawaii, P. O. Box 3175, Honolulu, Hawaii (808) 447-1840

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To: [HMS Testimony](#)
Cc: kealohafox@gmail.com
Subject: Submitted testimony for SB2961 on Feb 4, 2016 13:15PM
Date: Wednesday, February 03, 2016 7:04:41 PM

SB2961

Submitted on: 2/3/2016

Testimony for HMS/CPH on Feb 4, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Leanne Fox	Individual	Support	No

Comments: Please support. Paid Family Leave (PFL) has significant positive effects on maternal and child health.

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Cc: wctanaka@gmail.com
Subject: Submitted testimony for SB2961 on Feb 4, 2016 13:15PM
Date: Wednesday, February 03, 2016 8:19:55 PM

SB2961

Submitted on: 2/3/2016

Testimony for HMS/CPH on Feb 4, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Wayne Tanaka	Individual	Support	No

Comments: "Every working family has at one time experienced the demands of caring for and nurturing a newborn child, or the impact of a sudden illness in the family, or the hardships of caring for elderly and incapacitated parents. Native Hawaiian and local 'ohana values emphasize the need to support one's family, particularly in such times of adversity. Unfortunately, often the only options for working families to do so are to either scrape together available sick or vacation leave, which is often inadequate, or leave their jobs." Please help Hawai'i take the lead in making a stand for our working class 'ohana, so that both present and future generations of Hawai'i residents can thrive. Mahalo nui for your support of this measure!

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Subject: Submitted testimony for SB2961 on Feb 4, 2016 13:15PM
Date: Wednesday, February 03, 2016 8:33:27 PM

SB2961

Submitted on: 2/3/2016

Testimony for HMS/CPH on Feb 4, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Edie Ignacio Neumiller	Individual	Support	No

Comments: I support the Paid Family Leave bill because it would allow a parent to bond with a new child, recuperate from a serious health condition, care for a family member with a serious health condition, handle qualifying exigencies out of a family member's military service. Hawaii needs a paid family leave.

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Cc: jching808@gmail.com
Subject: Submitted testimony for SB2961 on Feb 4, 2016 13:15PM
Date: Thursday, February 04, 2016 7:59:09 AM

SB2961

Submitted on: 2/4/2016

Testimony for HMS/CPH on Feb 4, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Jonathan Ching	Individual	Support	No

Comments: With so many families in Hawai'i struggling to make ends meet while meeting the demands of caring for an elderly parent or nurturing a newborn, sometimes people are faced with the decision on whether to be able to pay the bills or caring for their loved ones. SB2961 provides a much needed step forward towards helping Hawai'i's middle class 'ohana be contributing members to society, while caring for their 'ohana.

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SB2961

Submitted on: 2/4/2016

Testimony for HMS/CPH on Feb 4, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Suresh Tamang	Individual	Support	No

Comments: I fully support this bill, Mahalo!

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Date: Thursday, February 04, 2016 9:25:30 AM

SB2961

Submitted on: 2/4/2016

Testimony for HMS/CPH on Feb 4, 2016 13:15PM in Conference Room 016

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

Comments: I am writing in support of the proposed legislation. It never occurred to me how unbalanced and unfair our current system is to working women until I returned from my second maternity leave. As I was listening to my male colleagues discuss what trip they were going to take to burn through their vacation time, it dawned on me that that was not a luxury that I had as a woman who had just given birth. I had just used all of my vacation and sick leave giving birth to, thankfully, a healthy child. I took a vacation to give birth...how ridiculous does that sound? I have it better than most in that I have and can use vacation to give birth, but a vacation it is not. Upon the difficult birth of my first child, we discovered, unbeknownst to us, that he had a severe chronic bleeding disorder that would require an IV to administer meds on an every other day basis. I drained all of my sick and vacation leave to give birth, and had no leave hours left to take care of my child. No vacation and sick leave hours meant that I also had no leave to take care of myself. I've been told that it was my choice to have the family that I had and thus my burden to bear. This statement, as well as the overall conversation when it comes to paid family leave too often ignores some basic tenets of humanity. Those are: 1) Humans procreate. It's what we do, it's what we've always done and it's what we'll continue to do. 2) Of those humans that do procreate, only half of them can actually carry a child and deliver it...i.e. only women can have babies. It's not really a choice per se, because if it was, believe me, my choice would have been for my husband to give birth. 3) Not everyone is born with perfect health. There can never be a guarantee in this life, no matter what a mother does, to ensure that a child is born healthy. There needs to be a way to allow families to take care of their little ones and their little ones in dire need. Paid family leave is a matter of equality and it's a matter of nation building and it's appalling that this country doesn't do more. I hope that we can find a way, as a State, to start making strides to catch up to the rest of the world.

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Subject: *Submitted testimony for SB2961 on Feb 4, 2016 13:15PM*
Date: Thursday, February 04, 2016 9:53:52 AM

SB2961

Submitted on: 2/4/2016

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Submitted By	Organization	Testifier Position	Present at Hearing
Ashley Lukens	Individual	Support	No

Comments:

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Date: Thursday, February 04, 2016 11:35:37 AM

SB2961

Submitted on: 2/4/2016

Testimony for HMS/CPH on Feb 4, 2016 13:15PM in Conference Room 016

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

Comments: I am in support of this bill. A close friend of mine has had to take unpaid leave on a regular basis because she expended all of her personal vacation and sick leave to care for her child (for the past 4 years) who has a chronic and life-threatening condition that requires infusions 3 times a week and frequent visits to the emergency room. This bill would allow her to use her sick leave when she gets sick, and take a vacation as the rest of the workforce can. Also, I support this bill as a woman and mother who had to take 4 weeks of sick leave (maximum) and 4 weeks of vacation leave to give birth to, breastfeed, bond, and care for my newborn child. Having a child is an inherent function of the human race. Mothers should be encouraged to care for and bond with their newborn children to enhance the health and well-being of the mother, child, family, and surrounding community. Caring for your loved ones should not be categorized as a sickness, disability, or vacation.

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SB2961

Submitted on: 2/3/2016

Testimony for HMS/CPH on Feb 4, 2016 13:15PM in Conference Room 016

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

Comments: Paid Family Leave is an important way that our state can prioritize health for all and retain a talented workforce for our state, and ensure the choice to work an option for families. Though I am not a mother myself, I understand that Paid Family Leave is necessary for ALL types of caregivers, and expect it will be necessary along the lifespan, from caring to kupuna and aging parents, to care-giving for keiki for both fathers and mothers. By passing an employee funded paid family leave insurance program, we ensure that the option to remain in the workforce is available, and families are not required to choose caregiving over participating in the workforce. Mahalo for passing this bill.

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