
A BILL FOR AN ACT

RELATING TO FAMILY LEAVE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Hawaii's working
2 families are not adequately supported during times of caregiving
3 and illness. While the Federal Family and Medical Leave Act of
4 1993 allows twelve weeks of unpaid leave to employees who have
5 worked at a business that employs fifty or more employees, the
6 majority of Hawaii's workforce cannot afford to take unpaid
7 leave to care for a child or an elderly family member with a
8 serious health condition. Hawaii law offers only a modest four-
9 week extension of unpaid leave and this applies only to Hawaii's
10 few large employers with more than one hundred employees.

11 The legislature further finds that only eleven per cent of
12 workers in the United States have access to paid family leave
13 through their employers. Women, as primary caregivers of
14 infants, children, and elderly parents, are affected
15 disproportionately by the unavailability of paid family and
16 medical leave. In Hawaii, 247,000 people serve as family
17 caregivers. Hawaii has the fastest growing population of
18 individuals over the age of sixty-five in the nation, and that



1 number is expected to grow by eighty-one per cent by the year
2 2030. Of those who would benefit from paid family leave, nearly
3 one-third would take those leave benefits to care for an ill
4 spouse or elderly parent. In short, most workers, at some
5 point, will need to take time off to care for an ill family
6 member, but very few can afford it.

7 The purpose of this Act is to require the legislative
8 reference bureau to conduct a sunrise analysis to impart the
9 legislative intent that the State must understand the impacts of
10 the establishment of a paid family leave program on industry,
11 consumers, employees, employers, and care givers prior to
12 choosing a model or framework that will work best for Hawaii's
13 workforce. The intent of this measure is to lay the groundwork
14 for the establishment of a paid family leave framework that will
15 enable all employees to access leave benefits during times when
16 they need to provide care for a family member.

17 SECTION 2. (a) By September 1, 2019, the legislative
18 reference bureau shall conduct and complete a sunrise analysis
19 to assist the legislature in determining the most appropriate
20 framework or model for the establishment of paid family leave
21 for the State and relative potential impacts and safeguard



1 measures. The sunrise analysis shall include but not be limited
2 to:

3 (1) A comparative analysis of other state paid leave
4 models, including a review of current temporary
5 disability insurance usage and other state temporary
6 disability insurance models. In the analysis of each
7 model, the legislative reference bureau shall consider
8 the following:

- 9 (A) Scope of coverage;
- 10 (B) Gender equity;
- 11 (C) Ease of making applications or claims;
- 12 (D) Speed of benefit payment;
- 13 (E) Financial sustainability;
- 14 (F) Administration;
- 15 (G) Data collection capabilities; and
- 16 (H) Compliance monitoring abilities;
- 17 (2) Hawaii-based cost breakdowns by model on projected
18 impacts to employers by size, impacts to employees,
19 and estimated impacts on the cost of compliance as it
20 relates to other employer mandates; and



1 (3) Examination of options for compliance and enforcement
2 of the proposed paid family leave program with
3 recommendations for additional staffing and support
4 for the department of labor and industrial relations
5 to effectuate a program.

6 (b) The legislative reference bureau shall submit a report
7 of its findings and recommendations, including proposed
8 legislation, to the legislature no later than September 1, 2019.

9 (c) The legislative reference bureau shall be authorized
10 to request and obtain any data from relevant state departments
11 and agencies necessary to conduct the sunrise analysis.

12 SECTION 3. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$350,000 or so much
14 thereof as may be necessary for fiscal year 2018-2019 for the
15 legislative reference bureau to conduct the sunrise analysis
16 pursuant to section 2 of this Act.

17 The sum appropriated shall be expended by the legislative
18 reference bureau for the purposes of this Act.

19 SECTION 4. The legislative reference bureau may contract
20 the services of a consultant with the funds appropriated in



1 section 3 of this Act. The contracting of services under this
2 Act shall be exempt from chapter 103D, Hawaii Revised Statutes.

3 SECTION 5. This Act shall take effect on July 1, 2018.



Report Title:

Paid Family Leave; Legislative Reference Bureau; Sunrise
Analysis; Report; Appropriation

Description:

Requires the legislative reference bureau to conduct a sunrise
analysis of the impacts of and best framework for the
establishment of paid family leave. Requires a report and
proposed legislation be submitted to the legislature by
9/1/2019. Appropriates funds. (CD1)

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not legislation or evidence of legislative intent.*

