
HOUSE CONCURRENT RESOLUTION

REQUESTING THE DIRECTOR OF LABOR AND INDUSTRIAL RELATIONS TO
CONVENE A TASK FORCE TO STUDY, DESIGN, AND DEVELOP A PAID
FAMILY LEAVE PILOT PROGRAM.

1 WHEREAS, most workers, at some point in life, may need to
2 take time off from work to care for an ill family member; and
3

4 WHEREAS, under the federal Family and Medical Leave Act of
5 1993, as amended, certain employees who work for employers with
6 fifty or more employees are eligible for up to twelve weeks of
7 unpaid job-protected leave for qualifying reasons, such as a
8 serious health condition of the employee or certain family
9 members of the employee or other qualifying events; and
10

11 WHEREAS, under the State's Family Leave Law, certain
12 employees who work for employers with one hundred or more
13 employees are eligible for up to four weeks of unpaid
14 job-protected leave for qualifying reasons, which includes the
15 birth or adoption of a child or to care for certain family
16 members with a serious health condition; and
17

18 WHEREAS, the family leave provided under federal and state
19 laws is mainly unpaid, and as of March 2018, only seventeen
20 percent of workers in the United States had access to paid
21 family leave through their employers; and
22

23 WHEREAS, a report published by the Aloha United Way in 2020
24 titled "ALICE in Hawai'i: A Financial Hardship Study", reported
25 that despite the steady economic improvements in Hawaii from
26 2010 to 2018, during which the gross domestic product grew, the
27 unemployment rate fell to historic lows, and wages rose, almost
28 half of the families in Hawaii were struggling to make ends meet
29 in 2018; and



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1 WHEREAS, with such financial constraints, a majority of
2 Hawaii's workforce cannot afford to take unpaid leave for family
3 caregiving purposes, whether it be to take care of an aging
4 family member or to care for a newborn; and

5
6 WHEREAS, in November 2019, the AARP Public Policy Institute
7 reported that as of 2017, there were approximately 157,000
8 unpaid family caregivers in Hawaii, and while the majority of
9 family caregivers are women, there is a growing trend for men,
10 especially adult sons, taking on family caregiving tasks for
11 their aging parents, other older relatives, or close friends;
12 and

13
14 WHEREAS, forty-four percent of male family caregivers
15 reported moderate to high financial strain as a result of
16 caregiving; and

17
18 WHEREAS, the need for leave to care for elderly family
19 members in Hawaii is expected to increase, as the Department of
20 Business, Economic Development, and Tourism projected in
21 June 2018 that the percentage of residents aged sixty-five years
22 and older, which constituted 17.1 percent of the State's
23 population in 2016, is expected to rise to 19.1 percent in 2020,
24 and to 22.6 percent in 2030; and

25
26 WHEREAS, as of January 2021, nine states, including
27 California, Colorado, Connecticut, Massachusetts, New Jersey,
28 New York, Oregon, Rhode Island, and Washington, and the District
29 of Columbia have enacted paid family and medical leave laws; and

30
31 WHEREAS, the federal Family and Medical Leave Act of 1993
32 was amended in 2020 to allow certain covered federal civilian
33 employees up to twelve weeks of paid parental leave in
34 connection with the birth of a child or placement of a child for
35 adoption or foster care occurring on or after October 1, 2020;
36 and

37
38 WHEREAS, Act 109, Session Laws of Hawaii 2018, began the
39 groundwork to establish a paid family leave framework in the
40 State by requiring the Legislative Reference Bureau to analyze
41 the impacts of establishing a paid family leave program on
42 certain industries, consumers, employees, employers, and



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1 caregivers that would enable the Legislature to choose a model
 2 or framework that will work best for Hawaii's workforce; and

3
 4 WHEREAS, in December 2019, the Legislative Reference Bureau
 5 issued its Paid Family Leave Program Impact Study, which
 6 projected the costs and staffing required to establish and
 7 maintain a paid family leave system in Hawaii under three social
 8 insurance models:

- 9
 10 (1) A system funded exclusively by the State, such as a
 11 state-administered insurance fund;
 12
 13 (2) A system that allows private plans to opt-out; and
 14
 15 (3) A system in which the State's role is limited to
 16 governance of a system that is highly regulated and
 17 reliant on private markets or an insurance fund, or an
 18 employer mandate, such as the State's Temporary
 19 Disability Insurance Program; and
 20

21 WHEREAS, the following table shows the resources necessary
 22 to implement each model:

	State System Funded Exclusively by State	State System with Opt-Out for Private Plans	Highly Regulated Private Market, Insurance Fund, or Employer Mandate
Start-up Cost	\$1,100,000	\$1,100,000	\$660,000
On-Going Support Cost	\$2,623,669	\$2,618,078	\$1,102,875
Support Staffing	22.5 positions	22 positions	7.5 positions

; and

23 WHEREAS, the study further reported that regardless of
 24 which paid family leave model is adopted, there are pertinent
 25 policy aspects that will need to be determined, such as the
 26 benefit amount and wage replacement ratio; length of leave,



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1 including maximum weeks of leave for bonding and family
2 caregiving; employer and employee eligibility; covered family
3 relationships; whether to provide job protection; and more; now,
4 therefore,

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6 BE IT RESOLVED by the House of Representatives of the
7 Thirty-first Legislature of the State of Hawaii, Regular Session
8 of 2021, the Senate concurring, that the Director of Labor and
9 Industrial Relations is requested to convene a task force to
10 study, design, and develop a Paid Family Leave Pilot Program
11 with coverage limited to certain employers and employees to be
12 established and implemented by the Department of Labor and
13 Industrial Relations as a trial program that could eventually be
14 expanded to cover all public and private sector workers in the
15 State; and

16
17 BE IT FURTHER RESOLVED that the task force is requested to
18 include the following members:

- 19
20 (1) The Director of Labor and Industrial Relations or the
21 Director's designee, who is requested to serve as the
22 chairperson;
23
24 (2) The Director of Human Resources Development or the
25 Director's designee;
26
27 (3) The Director of Finance or the Director's designee;
28
29 (4) The Attorney General or the Attorney General's
30 designee;
31
32 (5) The Mayor of the County of Hawaii or the Mayor's
33 designee;
34
35 (6) The Mayor of the City and County of Honolulu or the
36 Mayor's designee;
37
38 (7) The Mayor of the County of Kauai or the Mayor's
39 designee;
40
41 (8) The Mayor of the County of Maui or the Mayor's
42 designee;



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- 1 (9) One representative of a children's advocacy
2 organization in Hawaii to be appointed by the Speaker
3 of the House of Representatives;
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- 5 (10) One representative of a women's advocacy organization
6 in Hawaii to be appointed by the President of the
7 Senate;
8
- 9 (11) Two representatives from public sector labor
10 organizations in Hawaii, one to be appointed by the
11 President of the Senate and one to be appointed by the
12 Speaker of the House of Representatives;
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- 14 (12) One representative from a private sector labor
15 organization in Hawaii to be appointed by the
16 Governor;
17
- 18 (13) One representative of the Hawaii insurance industry to
19 be appointed by the Governor;
20
- 21 (14) One representative of a business organization in
22 Hawaii to be appointed by the President of the Senate;
23
- 24 (15) One representative of a small business organization in
25 Hawaii to be appointed by the Speaker of the House of
26 Representatives; and
27
- 28 (16) Any other organization or agency deemed necessary by
29 the task force; and
30

31 BE IT FURTHER RESOLVED that the task force is requested to
32 submit a report describing the progress made by the task force
33 and its findings and recommendations, including any proposed
34 legislation, to the Legislature no later than twenty days prior
35 to the convening of the Regular Session of 2023; and
36

37 BE IT FURTHER RESOLVED that the report include:

- 38
- 39 (1) Data on the amount of leave generally taken or, if
40 there is no data, the amount of leave deemed generally
41 necessary by health care providers for qualifying
42 reasons that are not based on the serious health



1 condition of the employee or the employee's family
2 members, such as the amount of leave taken for the
3 birth of a child or placement of a child for adoption
4 or foster care under the federal Family and Medical
5 Leave Act and the State's Family Leave Law, and leave
6 taken to bond with a newly born or newly placed child
7 under the federal Family and Medical Leave Act;

8
9 (2) Identification of issues related to the establishment
10 and implementation of the Paid Family Leave Pilot
11 Program;

12
13 (3) Recommendations for the basic structure of the Paid
14 Family Leave Pilot Program, including but not limited
15 to:

16
17 (A) Coverage of employers, such as industry sectors
18 and geographic regions;

19
20 (B) Eligibility criteria for employees, such as a
21 minimum amount of time worked or earnings
22 achieved;

23
24 (C) Benefit amounts and wage replacement ratio;

25
26 (D) Length of leave, including maximum weeks of
27 leave, for bonding and family caregiving;

28
29 (E) Qualifying events;

30
31 (F) Covered family relationships;

32
33 (G) Whether to provide job protection;

34
35 (H) Interaction with the State's Temporary Disability
36 Insurance Program;

37
38 (I) The administrative structure; and

39
40 (J) Claims management;



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- 1 (4) Impacts and estimated costs of establishing and
- 2 implementing the Paid Family Leave Pilot Program,
- 3 including but not limited to the fiscal and
- 4 administrative impacts on the State and the impacts on
- 5 public sector collective bargaining and civil service
- 6 laws; and
- 7
- 8 (5) Opportunities and challenges of expanding the Paid
- 9 Family Leave Pilot Program to the State's entire
- 10 workforce; and
- 11

12 BE IT FURTHER RESOLVED that certified copies of this
 13 Concurrent Resolution be transmitted to the Governor, Director
 14 of Labor and Industrial Relations, Director of Human Resources
 15 Development, Director of Finance, Attorney General, Mayor of the
 16 County of Hawaii, Mayor of the City and County of Honolulu,
 17 Mayor of the County of Kauai, and Mayor of the County of Maui.

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 20

OFFERED BY: 

MAR 11 2021

