
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. According to a 2018 report commissioned by Aloha
4 United Way, entitled "ALICE [Asset Limited, Income Constrained,
5 Employed]: a Study of Financial Hardship in Hawaii", forty-two
6 per cent of families in Hawaii are living paycheck to paycheck.
7 While the federal Family and Medical Leave Act of 1993 allows
8 twelve weeks of unpaid leave to employees who have worked at a
9 business that employs fifty or more employees, the majority of
10 Hawaii's workforce cannot afford to take unpaid leave to care
11 for a new child or attend to the needs of a family member who
12 has a serious health condition. Hawaii law, which offers a
13 modest four-week extension of unpaid leave, is available only to
14 employees of large employers having more than one hundred
15 employees.

16 The legislature further finds that in 2018, only seventeen
17 per cent of workers in the United States had access to paid



1 family leave through their employers. Women, as primary
2 caregivers of infants, children, and elderly parents, are
3 disproportionately affected by the absence of paid family and
4 medical leave. According to AARP Hawaii, there are
5 approximately 157,000 unpaid family caregivers in the State.
6 Hawaii has one of the fastest growing populations over the age
7 of sixty-five in the nation; from 2020 to 2030, the percentage
8 of people age sixty-five and over is expected to increase from
9 19.1 per cent to 22.5 per cent of the State's population.
10 Nearly one third of those who need but do not have access to
11 family leave will need the time off to care for an ill spouse or
12 elderly parent.

13 The legislature additionally finds that the coronavirus
14 disease 2019 (COVID-19) spread globally and was declared a
15 pandemic by the World Health Organization on March 11, 2020.
16 Upon reaching Hawaii's shores, COVID-19 became a public health
17 emergency that infected thousands of people, overwhelmed
18 hospital capacities, created medical supply shortages, and
19 claimed the lives of numerous Hawaii residents. Enacting a
20 comprehensive family leave program would allow employees whose



1 family members are impacted by serious health conditions to
2 provide adequate care for their loved ones.

3 Accordingly, the purpose of this Act is to:

- 4 (1) Require the department of labor and industrial
5 relations develop a procedural manual for a family
6 leave insurance program that pays family leave
7 insurance benefits and submit a report to the
8 legislature prior to the regular session of 2025; and
- 9 (2) Appropriate funds.

10 SECTION 2. (a) The department of labor and industrial
11 relations, in consultation with the insurance commissioner,
12 shall develop a procedural manual to implement a family leave
13 insurance program within the State to pay family leave insurance
14 benefits. The study shall consider the following:

- 15 (1) The type of fund to be established;
- 16 (2) How the fund will be funded;
- 17 (3) Contribution rates;
- 18 (4) Coverage; and
- 19 (5) Non-duplication with other health benefits, such as:
 - 20 (A) Sick leave;
 - 21 (B) Temporary disability insurance; and



1 (C) Other benefits under collective bargaining units.

2 (b) The department of labor and industrial relations shall
3 submit a report of the department's:

4 (1) Status and progress in developing a family leave
5 insurance program; and

6 (2) Findings and recommendations, including any proposed
7 legislation,

8 to the legislature no later than twenty days prior to the
9 convening of the regular session of 2025.

10 SECTION 3. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$ or so
12 much thereof as may be necessary for fiscal year 2023-2024 and
13 the same sum or so much thereof as may be necessary for fiscal
14 year 2024-2025 to address the requirements in section 2 to
15 expand the family leave program established pursuant to chapter
16 398, Hawaii Revised Statutes, through a family leave insurance
17 program.

18 The sums appropriated shall be expended by the department
19 of labor and industrial relations for the purposes of this Act.

20 SECTION 4. This Act shall take effect on January 1, 2050.



Report Title:

DLIR; Insurance Commissioner; Family Leave Insurance Program;
Family Leave; Positions; Procedural Manual; Appropriation

Description:

Requires the Department of Labor and Industrial Relations, in consultation with the Insurance Commissioner, to develop a procedural manual to implement a family leave insurance program that pays family leave insurance benefits. Appropriates funds. Effective 1/1/2050. (SD2)

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