



STATE OF HAWAII
KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
KA 'OIHANA PONO LIMAHANA

February 14, 2023

To: The Honorable Scot Z. Matayoshi, Chair,
The Honorable Andrew Takuya Garrett, Vice Chair, and
Members of the House Committee on Labor & Government Operations

Date: Tuesday, February 14, 2023

Time: 9:30 a.m.

Place: Conference Room 309, State Capitol and Video Conference

From: Jade T. Butay, Director
Department of Labor and Industrial Relations (DLIR)

Re: H.B. 1202 RELATING TO PAID SICK LEAVE

I. OVERVIEW OF PROPOSED LEGISLATION

The **DLIR offers comments** on this proposal. Although the department appreciates the intent, DLIR strongly objects to the assignment of significant, additional responsibilities without an appropriation that includes additional staffing. Moreover, the leave benefits proposed in this measure conflict with pre-existing benefits in the Prepaid Health Care Act, the Temporary Disability Insurance Law, and Hawaii Family Leave Law. The DLIR suggests a formal study by a non-executive branch research agency, including an actuarial component with staffing estimates, is prudent before statutory changes or additions are made.

HB1202 proposes the addition of a new chapter to the Hawaii Revised Statutes (HRS), that will require employers subject the Fair Labor Standards Act (FLSA) to provide paid leave, referred to as "sick leave" to employees who work at least 200 hours per year. Employees would accrue a minimum of 1 hour of paid sick leave for every 40 hours worked. Employees may accrue up to 40 hours of paid sick leave in a calendar year; or if employed by a small business that is independently owned with less than fifty employees, accrue up to 24 hours of paid sick leave in a calendar year, unless the employer provides a higher limit.

The leave could be used during periods of absence from work under the following circumstances:

1. For an employee's mental or physical illness, injury, or health condition;
2. For an employee's medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition;
3. For an employee's need to obtain preventative medical care;

4. An employee's need to seek certain legal or victim services, including preparation for participation in a civil or criminal proceeding; and
5. Closure of the employee's place of business due to a public health emergency.

The measure also:

- Requires employers to supplement the paid sick leave in the event of a public health emergency so an employee can take 40 hours of paid sick leave in a calendar year; or if employed by a small business, 24 hours of paid sick leave in a calendar year. Employees would have up to four weeks after the official termination or suspension of a public health emergency to use the supplemental leave.
- Requires employers to provide employees individualized notice of paid sick leave and fines employers for willfully violating the notice requirements.

II. CURRENT LAW

Chapter 388, HRS, Payment of Wages and Other Compensation Law, requires employers that provide vacation and sick leave benefits to make their policies available to employees in writing or through a posted notice in a place accessible to employees. The employer's policy determines the criteria to earn and use these benefits.

Chapter 398, HRS, Hawaii Family Leave Law (HFLL) provides four weeks of protected leave for employees of employers with 100 or more employees, for the birth or adoption of the employee's child, or to care for the employee's child, spouse, reciprocal beneficiary, sibling, grandchild, or parent with a serious health condition. The law does not provide leave for the employee's own serious health condition. In general, family leave is unpaid, unless the employee elects to substitute any of their accrued paid leaves, for any part of the four-week period. The law allows the employee to use their accrued and available sick leave for family leave purposes, up to ten days per year, unless an express provision of a valid collective bargaining agreement authorizes the use of more than ten days of sick leave.

Chapter 392, HRS, requires Temporary Disability Insurance (TDI) benefits to be paid to a qualified employee while the employee is disabled due to non-industrial sickness or injury. Some employers fulfill all or part of the TDI requirement by providing employees with sick leave that can only be used during the employee's own disability.

§392-28 Duplication of benefits not permitted. (4) Indemnity payments for wage loss under any applicable employers' liability law of this State, or of any other state or of the United States. If an employee has received benefits under this chapter for a period of disability for which the employee is entitled to such indemnity payments, any insurer or employer or the trust fund for disability benefits providing

such benefits shall be subrogated to the employee's right to such indemnity payments in the amount of the benefits paid under this chapter as hereinafter provided.

Chapter 386, HRS, requires Workers' Compensation (WC) benefits to be paid to an employee who is disabled due to an industrial illness or injury.

III. COMMENTS ON THE HOUSE BILL

The Department offers the following comments:

The definition of "employer" under the FLSA includes federal, State, and county government agencies. Under Chapters 387 and 388, HRS, the State does not have jurisdiction over any governments and government employees such as federal, State, and county. The measure excludes independent contractors without defining the term "independent contractor."

This measure requires that employees on paid sick leave to continue to receive the same benefits including health care benefits (page 9, line 16). This may be incompatible with Chapter 393, HRS. The Prepaid Health Care (PHC) Act, which sets minimum work and earned wage requirements for an employee to qualify for benefits. While on leave from work, the hours worked by the employee will be reduced and as a result, the employee may not meet the requirements for PHC coverage.

Similarly, Chapter 392, HRS, sets minimum work and wage requirements for an employee to qualify for Temporary Disability Insurance (TDI) benefits. If the requirement to continue the same benefits includes TDI coverage, the employer may be unable to continue TDI coverage for the employee while the employee is using the leave required by this proposal because the employee may not meet the requirements of Chapter 392, HRS.

This bill may allow an employee to receive paid sick leave while also receiving WC or TDI benefits (§392-28). The WC and TDI laws require benefit payments when an employee is disabled from working. If the employee is disabled from work and is also absent from work due to a reason listed in the bill, the employee could receive paid leave required by this proposal for the same period the employee receives WC or TDI benefits.

This bill could also cause conflict for employers, such as the State, that chose to use their sick leave plans to fulfill part or all the TDI requirement. Under a TDI plan that uses sick leave as the entire TDI benefit, the employee must maintain a minimum amount of sick leave for the employee's own disability. The employer is required by Section 392-41(b)(2), HRS, to allow an employee to use only the excess amount of sick leave for family leave purposes. If the employee has not accrued an amount in excess of the minimum TDI amount by the time the employee has an absence due to a reason covered by the bill, other than the employee's own disability, the employer will be required to provide additional leave

to meet the requirements of this proposal and cannot allow the employee to use the sick leave that the employee must maintain for the employee's own absence.

The definition of "paid sick leave" means time away from work that is compensated at the same hourly rate and with the same benefits, including health care benefits, as the employee normally earns during hours worked. "Normally earns during hours worked" is undefined. An employee's rate of pay could change throughout their employment. Additionally, an employee could work different jobs for an employer and be compensated at different rates. Their paid sick leave rate would be difficult to determine in situations like those.

§ -3 of this measure (page 5, line 19, to page 6, line 14) specifies situations that an employee may use paid sick leave. In addition to the situations specified, pursuant to §398-4(c), HRS, HFLL, an employer who provides sick leave for employees shall permit an employee to use the employee's accrued and available sick leave for family leave purposes (birth or adoption of the employee's child, or to care for a qualifying family member with a serious health condition), up to ten days per year, unless an express provision of a valid collective bargaining agreement authorizes the use of more than ten days of sick leave for HFLL purposes.

An employee's use of paid sick leave pursuant to this measure is limited to 40 hours in a calendar year, unless the employer provides a higher limit. An employee's use of sick leave for HFLL purposes, pursuant to §398-4(c), HRS, is limited to 10 days per year, or an equivalent of 80 hours for an employee who works 40 hours per week, unless the employee is subject to a collective bargaining agreement that authorizes the use of more than 10 days which could be for the entire 4 weeks of family leave or up to 160 hours a year for an employee who works 40 hours per week.

It is unclear at what rate the employee's paid sick leave would be compensated at. An employee could accrue the leave while being compensated at a lower amount but take the leave when compensated at a higher amount.

Additionally, the measure could create conflicts with Chapter 388, HRS, enforced by the DLIR. If an employee files an administrative complaint for paid wages for a period where they worked regular hours and used sick leave, the complaint would be subject to two different statutes. This measure requires the DLIR to keep the employee's name confidential unless the employee authorizes disclosure. Chapter 388, HRS does not require confidentiality. Chapter 388, HRS, provides for a one-year statute of limitation to file an administrative complaint, while this measure has a three-year statute of limitation for a civil action and none for an administrative complaint.

The Department notes that if it is required to administer the provisions in this measure, it will require additional resources and positions.

DEPARTMENT OF HUMAN RESOURCES

CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 10TH FLOOR • HONOLULU, HAWAII 96813
TELEPHONE: (808) 768-8500 • FAX: (808) 768-5563 • INTERNET: www.honolulu.gov/hr

RICK BLANGIARDI
MAYOR



NOLA N. MIYASAKI
DIRECTOR

FLORENCIO C. BAGUIO, JR.
ASSISTANT DIRECTOR

February 13, 2023

The Honorable Scot Z. Matayoshi, Chair
The Honorable Andrew T. Garrett, Vice Chair
and Members of the Committee on Labor and Government Operations
The House of Representatives, Room 309
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Matayoshi, Vice Chair Garrett, and Members of the Committee:

**SUBJECT: House Bill No. 1202
Relating to Paid Sick Leave**

House Bill No. 1202 requires employers to provide a minimum amount of paid sick leave to employees and supplemental paid sick leave to employees under certain public health emergency conditions. The City and County of Honolulu, Department of Human Resources, respectfully provides comments on this bill, noting that as currently drafted it applies to public sector employees who are not subject to the civil service laws.

The City is concerned that House Bill No. 1202 involves a matter that is subject to collective bargaining, and therefore, should not be legislated. Public sector employees, including some who are not subject to the civil service laws, are already entitled to generous leave provisions which have also been negotiated into the respective collective bargaining agreements. Qualified employees are given 21 days of sick leave and 21 days of vacation leave per year, which may be used for purposes described in this bill. In addition, City employees are sufficiently covered by Federal and State laws which afford them time off to care for themselves.

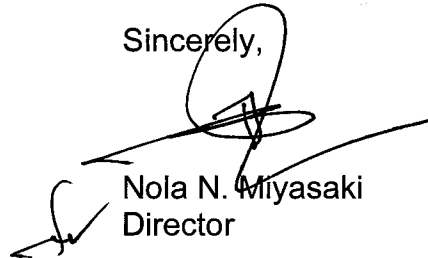
Lastly, we are concerned that part-time, temporary, and on-call type employees who do not earn sick leave may be eligible for sick leave under this bill, as proposed.

The Honorable Scot Z. Matayoshi, Chair
The Honorable Andrew T. Garrett, Vice Chair
and Members of the Committee on Labor and Government Operations
February 13, 2023
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Based on the foregoing, the City respectfully requests that House Bill No. 1202 be amended to explicitly exclude all public sector employees.

Thank you for the opportunity to testify.

Sincerely,



Nola N. Miyasaki
Director

SAH - Subcontractors Association of Hawaii

1188 Bishop St., Ste. 1003**Honolulu, Hawaii 96813-2938

Phone: (808) 537-5619 ✦ Fax: (808) 533-2739

February 14, 2023

Testimony To: House Committee on Labor & Government Operations
Representative Scot Z. Matayoshi, Chair

Presented By: Tim Lyons, President

Subject: H.B. 1202 – RELATING TO PAID SICK LEAVE.

Chair Matayoshi and Members of the Committee:

I am Tim Lyons, President of the Subcontractors Association of Hawaii. The SAH represents the following nine separate and distinct contracting trade organizations.

HAWAII FLOORING ASSOCIATION

ROOFING CONTRACTORS ASSOCIATION OF HAWAII

HAWAII WALL AND CEILING INDUSTRIES ASSOCIATION

ELECTRICAL CONTRACTORS ASSOCIATION OF HAWAII

TILE CONTRACTORS PROMOTIONAL PROGRAM

PLUMBING AND MECHANICAL CONTRACTORS ASSOCIATION OF HAWAII

SHEETMETAL AND AIR CONDITIONING NATIONAL CONTRACTORS ASSOCIATION OF HAWAII

PAINTING AND DECORATING CONTRACTORS ASSOCIATION

PACIFIC INSULATION CONTRACTORS ASSOCIATION

We offer a comment on this bill.

We believe that Section 5 should be amended in order to provide that the employees that are covered by a Collective Bargaining Agreement under a covered employer should be exempt from this section providing that the paid sick leave program offered under the Collective Bargaining Agreement is equal to or better than the provisions of this section.

I believe there is a similar condition for prepaid health care plans, as long as the benefits that are collectively bargained are equal to or better than the State Prepaid Healthcare Law. The same should apply for this particular section if it is to pass.

Our comment on this bill should not be construed as an endorsement of the bill however we felt it important to offer this comment.

Thank you.



Ryan Tanaka, Chairman – Giovanni Pastrami Ave Kwok, Incoming Chair- Jade Dynasty

Andy Huang, Vice Chairman-L&L Hawaiian BBQ

Tambara Garrick, Secretary – Hawaii Farm Project

Kahili Soon, Treasurer – Hukilau Marketplace

Greg Maples, Past Chair – Polynesian Cultural Center

Sheryl Matsuoka, Executive Director Chivon Garcia, Executive Assistant Holly Kessler, Director of Membership Relations

2022- 23

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Date: February 11, 2023

To: Rep. Scot Z. Matayoshi, Chair
Rep. Andrew Takuya Garrett, Vice Chair
Committee On Labor & Government Operations

From: Victor Lim, Legislative Lead

Subject: HB1202 Relating to Paid Sick Leave

The Hawaii Restaurant Association representing 4,017 Eating and Drinking Place locations in Hawaii stand opposed to HB1202 mandating businesses to offer paid sick leave for all employees..

The current post Covid-19 environment with very high inflation and interest rates, have devastated the service and retail industry especially the restaurants. We as an industry is far from being out of the woodworks. We are made of many small entities as well as larger ones and their economic strengths are very different.

In today’s tight labor market, most of the bigger and financially stronger businesses already provide paid sick leave for their employees, however, the smaller entities probably do not have any formal programs because they cannot afford them but handle them on a case by case basis.

We are also concerned with the language of this bill that allows the sick leave to accrue from year to year. The unforeseen consequence will make small operations very difficult. A small business with limited number of employees will have a hard time operating having someone out for more than multiple weeks at a time to keep their business going.

This bill will cause financial hardship on the many small businesses currently struggling to survive in our state. Please hold this bill. Thank you.



The Thirty-Second Legislature, State of Hawai'i
Hawai'i State House
Committee Labor & Government Operations

Testimony by
Hawaii Nurses Association
February 14, 2023

HB551 – Employment; Paid Sick Leave

The Hawaii Nurses Association -OPEIU Local 50 is affiliated with the AFL-CIO and was founded in 1917 and represents 4,000 nurses in the State of Hawaii. We are grateful to provide the following comments:

Currently, approximately 180,000 workers in Hawai'i lack access to sick leave, most of whom work in the service industry. Low-income workers are significantly less likely to have paid sick leave than other members of the workforce. Only one in five low-income workers has access to paid sick leave. Paid sick leave is essential to preserving personal and public health, giving employees time to recover from illness and prevent contagions from spreading to the community.

Please amend HB 1202 by:

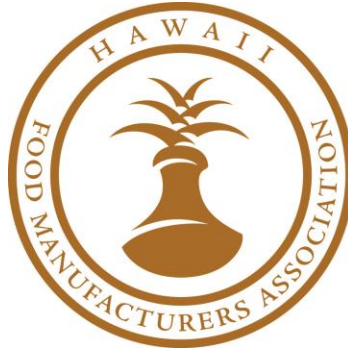
- 1) providing at least seven days of sick leave for all workers as in HB 235, rather than creating a two-tiered approach to sick leave that extends fewer leave days to employees at businesses with fewer than fifty employees;
- 2) Allowing sick leave to be used for immediate family members, including children, grandchildren, parents, and grandparents;
- 3) Changing the sick leave accrual rate from 1 hour for every 40 hours worked to 1 hour for every 30 hours worked; and 4) giving access to sick leave for all employees who work at least 80 hours in a year, instead of more than 200 hours in a year as HB 1202 currently specifies.

Thank you for your consideration.

Respectfully,



Daniel Ross
President



**Testimony to the House Committee on Labor and Government Operations
Tuesday, February 14, 2023, at 9:30 A.M.
Conference Room 224 & Via Videoconference**

RE: HB 1202 Relating to Paid Sick Leave

Chair Matayoshi, Vice Chair Takuya Garrett, and Members of the Committee:

The Hawaii Food Manufacturers Association **does not support** HB1202, which requires employers to provide a minimum amount of paid sick leave to employees and supplemental paid sick leave to employees under certain public health emergency conditions.

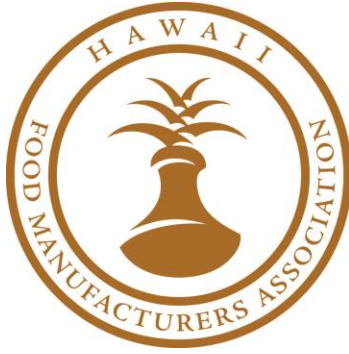
The Hawaii Food Manufacturers Association (HFMA) is a non-profit organization of approximately 120 members that has been promoting Hawaiian grown or manufactured products since 1977. The HFMA works to increase the understanding and appreciation of the unique flavors, quality, and care that go into the production of Hawaii's fine foods and beverages represented by our valued members and enjoyed by our valued community.

The food manufacturing industry in Hawaii generates \$900 million in annual revenue and is the largest manufacturing sector in the state using local inputs according to the Hawaii State Department of Business, Economic Development and Tourism. The industry provides over 6,100 jobs in the state and an annual payroll of more than \$160 million.

This is another mandated benefit that will increase the cost to food manufacturers and could stifle job growth. Many of our small manufacturers do not have a large administrative staff to help manage this potential new benefit. This bill creates a huge burden on employers to administratively manage the accumulation and usage of sick leave for minimum wage workers.

We also oppose the reasons for which workers may utilize sick leave that are beyond the employee's health. Sick leave is generally a benefit for the employee to take care of their own health. This provision provides a broader leave which will only provide additional burden to employers and may reduce benefits and compensation in other ways.

While most workers utilize their sick leave only when ill, there is a percentage of workers who abuse this benefit. CareerBuilder.com reported that 1 in 4 workers consider sick



leave to be vacation time. This bill would make it very difficult for employers to manage their employees and the benefits provided.

Thank you for the opportunity to testify.

TESTIMONY BEFORE THE HOUSE COMMITTEE ON LABOR & GOVERNMENT
RE: HB 1202 - RELATING TO PAID SICK LEAVE

TUESDAY, FEBRUARY 14, 2023

JASON BRADSHAW, CHAIR
DEMOCRATIC PARTY OF HAWAII LABOR CAUCUS

Chair Matayoshi and Members of the Committee:

The Democratic Party of Hawaii Labor Caucus **offers comments on HB1202** which would establish a tiered system of paid sick leave in Hawaii.

While we appreciate the intent of HB1202 we would like to offer some friendly amendments to help establish a strong paid leave law in Hawaii.

- 1. Adding the ability of the employee to use sick leave for family members who are sick such as their child, grandchild, parent, grandparent, or guardian.**
- 2. Deleting the tiered approach and establishing one equal policy across all employers to ensure all workers have the same access to paid sick leave.**
- 3. Changing the accrual rate from 1 hour of sick leave for every 40 hours worked to 1 hour of sick leave for every 30 hours worked.**
- 4. Establishing up to 7 days of paid sick leave per year.**

If the committee has concerns with the impact of small businesses, we suggest implementing a phased in approach that eventually gets all workers to 7 days of paid sick leave.

As many know, over 180,000 private sector workers in the state of Hawaii do not have access to paid sick days and many of the 180,000 are employed in the service sector industry such as restaurants or retail and interact with the public on a frequent basis. We believe all workers should have access to a few paid sick days a year. This allows workers the ability to recover at home and help slow the spread of illnesses such as the flu or COVID without the worry of not getting paid. Many workers in the service sector industry live paycheck-to-paycheck and struggle to make ends meet. A day without pay means a day without groceries or a day without food on the table. It means struggling to pay a credit card bill or rent for that month and no worker should have to worry about that.

A few paid sick days a year helps keep the public and co-workers safe and healthy and gives workers the financial security to stay at home and recover. Our recent COVID pandemic, which is still ongoing, is a reminder that we need to take illnesses seriously. Our elected officials, health agencies, and doctors strongly encouraged everyone to stay at home if they felt sick and even established mandatory quarantines if people felt ill. **The least we can do is ensure all workers have a few paid sick days so they can stay at home and keep everyone safe and healthy.**

Thank you for the opportunity to testify.



HAWAII APPLESEED

CENTER FOR LAW & ECONOMIC JUSTICE

Testimony of the Hawai'i Appleseed Center for Law and Economic Justice
HB 1202 – Relating to Paid Sick Leave
House Committee on Labor & Government Operations
Tuesday, February 14, 2023, at 9:30 AM, Conference Room 309 & Videoconference

Dear Chair Matayoshi, Vice Chair Garrett, and members of the Committee:

Thank you for the opportunity to provide comments on HB 1202, requiring employers to provide a minimum amount of paid sick leave to employees to be used to care for themselves or a family member who is ill or needs medical care. The bill also provides supplemental paid sick leave to employees under certain public health emergency conditions.

While we appreciate the intent of this bill, we feel that this bill does not go far enough in offering a successful paid sick leave program that will provide the financial security for sick workers to stay at home, recover, and help slow the spread of illnesses such as the flu or COVID-19. We feel that the language contained within HB 235, is preferable in creating a program that will succeed in its goals. We request that your committee amend HB 1202 so that it:

- Provides at least 7 days of sick leave for all workers and eliminate the two-tiered approach to sick leave that extends fewer leave days to employees at businesses with fewer than 50 employees;
- Allows sick leave to be used for immediate family members, including children, grandchildren, parents and grandparents;
- Changes the sick leave accrual rate from 1 hour for every 40 hours worked to 1 hour for every 30 hours worked; and
- Gives access to sick leave for all employees who work at least 80 hours in a year, instead of more than 200 hours in a year as HB1202 currently specifies.

These changes will greatly strengthen this measure, delivering an important working family support for Hawai'i, where some 42 percent of private sector workers—more than 180,000 people—do not have access to paid sick days, according to a 2015 analysis by the Institute for Women's Policy Research.¹ Most of these are lower-income service sector workers, such as restaurant or retail workers who often work paycheck-to-paycheck and struggle to make ends meet.

Unfortunately, many workers who do not have paid sick days often attend work sick because they cannot afford to take an unpaid day off.² This means co-workers and the public are potentially exposed to illnesses such as COVID-19, risking their health and the general health of the public.³

¹ “Workers’ Access to Paid Sick Days in the States,” Institute for Women’s Policy Research, May 2015, <https://iwpr.org/wp-content/uploads/2020/11/Access-to-Paid-Sick-Days-in-the-States-5-18-2015.pdf>

² Gould, Elise and Jessica Schieder, “Work sick or lose pay? The high cost of being sick when you don’t get paid sick days,” Economic Policy Institute, June 28, 2017, <https://www.epi.org/publication/work-sick-or-lose-pay-the-high-cost-of-being-sick-when-you-dont-get-paid-sick-days>

³ “Paid Sick Days Improve Public Health,” National Partnership for Women & Families, 2020, <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/paid-sick-days-lead-to-cost-savings-savings-for-all.pdf>

Ultimately, paid sick days are an essential policy that protects the health and well-being of workers and the public—especially during an era of uncertainty surrounding our most recent COVID-19 pandemic.

In fact, paid sick days have already proven to be essential in the fight to curb the spread of COVID-19. From March–December of 2020, the federal government provided millions of workers across the nation with paid sick days for the first time. Research confirms that this made a significant contribution toward “flattening the curve” by reducing infections by about 400 cases per day in states that previously did not have paid sick days laws.⁴

Keeping workers and members of the public healthy and safe from disease is critical for a functioning economy, and businesses will benefit in the long term from the workforce stability paid sick days can provide. The costs in lost productivity from health-related turnover is [well-documented](#) in a 2020 research paper from the Washington Center for Equitable Growth.⁵ And cities like Seattle and San Francisco have seen higher rates of business growth after implementing paid sick days than in neighboring jurisdictions that didn’t.⁶

Paid sick days have been shown to reduce healthcare costs for workers, employers, and the public. Workers without paid sick days are more likely to rely on taxpayer-funded public assistance programs, and are more likely to delay seeking healthcare when sick. That leads to higher medical expenses and more frequent emergency room visits, adding to the strain on public health infrastructure and the high costs of both private health insurance and taxpayer-funded health programs.⁷

Please strengthen HB 1202 and turn it into a policy that will truly benefit workers, their families, our community health, and our economy.

Mahalo for the opportunity to testify. We appreciate your consideration.

⁴ Pichler, Stefan, Katherine Wen and Nicolas R. Ziebarth, “COVID-19 Emergency Sick Leave Has Helped Flatten The Curve In The United States,” *Health Affairs* 39:12, October 15, 2020, <https://www.healthaffairs.org/doi/10.1377/hlthaff.2020.00863>

⁵ Smalligan, Jack and Chantel Boyens, “Paid Medical Leave Research,” Washington Center for Equitable Growth, April 30, 2020, <https://equitablegrowth.org/research-paper/paid-medical-leave-research>

⁶ “Paid Sick Days Are Good for Business,” National Partnership for Women & Families, October 2020, <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/paid-sick-days-good-for-business-and-workers.pdf>

⁷ “Paid Sick Days Improve Public Health,” National Partnership for Women & Families, September 2021, <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/paid-sick-days-lead-to-cost-savings-savings-for-all.pdf>



HAWAII STATE
COALITION AGAINST
DOMESTIC VIOLENCE

February 14, 2023

Members of the House Committee on Labor & Government Operations:

Chair Scot Z. Matayoshi
Vice Chair Andrew Takuya Garrett
Rep. Jeanne Kapela
Rep. Rose Martinez
Rep. Jackson D. Sayama
Rep. Adrian K. Tam
Rep. David Alcos III

Re: HB1202 Relating to Paid Sick Leave

Dear Chair Matayoshi, Vice Chair Garrett, and Members of the House Committee on Labor & Government Operations:

The Hawai'i State Coalition Against Domestic Violence (HSCADV) addresses domestic violence's social, political, and economic impacts on individuals, families, and communities. We are a statewide partnership of domestic violence programs and shelters.

On behalf of HSCADV and our 28 member programs statewide, I respectfully submit testimony supporting HB1202. The Centers for Disease Control (CDC) has found that programs that provide economic support and stability to families like paid sick days are a promising strategy for mitigating and preventing both child maltreatment and intimate partner violence.¹ Additionally, data show that victims with lower incomes are particularly vulnerable to economic abuse by their partners.

In Hawai'i, over 180,000 private sector workers do not have access to paid sick days. Most of them are lower-income earners in the service sector, living paycheck-to-paycheck and struggling to make ends meet. Paid sick days would allow workers financial security to stay at home, recover and help slow the spread of illnesses such as the flu or Covid, and for victims of domestic violence, address health issues related to abuse. Unfortunately, many workers who do not have paid sick days often attend work sick because they cannot afford to take an unpaid day off.

¹ Fortson, B. L., Klevens, J., Merrick, M. T., Gilbert, L. K., & Alexander, S.P. (2016). Preventing child abuse and neglect: A technical package for policy, norm, and programmatic activities. National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.



HAWAI'I STATE
COALITION AGAINST
DOMESTIC VIOLENCE

Ultimately, paid sick days are an essential policy that protects the health and well-being of workers and the public.

Thank you for the opportunity to testify on this important matter.

Sincerely,
Angelina Mercado, Executive Director



HB 1202, RELATING TO PAID SICK LEAVE

FEBRUARY 14, 2023 · HOUSE LABOR AND
GOVERNMENT OPERATIONS COMMITTEE · CHAIR
SEN. SCOT Z. MATAYOSHI

POSITION: Comments with amendments.

RATIONALE: Imua Alliance provides comments with suggested amendments for HB 1202, relating to paid sick leave, which requires employers to provide a minimum amount of paid sick leave to employees and supplemental paid sick leave to employees under certain public health emergency conditions.

Approximately 180,000 workers lack access to sick leave in Hawai'i. That is unconscionable, especially following the COVID-19 pandemic. For the sake of the workers who drive our economy forward and to preserve public health, we can and we must do better. We are one of Hawai'i's leading anti-trafficking victim service providers. Human trafficking is driven, in part, by systemic poverty. Enacting common-sense economic justice measures will provide the support for working families that is essential in disrupting our state's prolific slave trade.

According to the United States Bureau of Labor Statistics, paid sick leave was not available to 23 percent of private industry workers in March of 2021. Moreover, these benefits were available to only 12 percent of workers in the lowest 25th percentile wage category and available to only 37 percent of workers in the highest 25th percentile of income earners, which leaves a significant segment of the nation's workers without this essential health benefit.

In Hawai'i, an estimated 42 percent of private sector workers lack access to paid sick leave, according to Hawai'i Children's Action Network Speaks!, citing a 2015 analysis by the Institute for Women's Policy Research. Low-income workers are significantly less likely to have paid sick leave benefits than other members of the workforce. Only one in five low-income workers has access to paid sick leave, even though many of these employees work in the service sector and perform jobs that require them to engage with the public, such as food servers or sales representatives.

COVID-19 made it glaringly evident that paid sick leave is needed for workers and their families to be able to quarantine, recover, and care for others without having to choose between protecting their financial security or preserving their personal health and the well-being of the community. **We are still living through the effects of the pandemic.** Therefore, we must view paid sick leave is a critical public health tool in combatting the spread of COVID-19 and other diseases that endanger public health, both now and in the future.

That said, we have strong reservations about the two-tiered approach to paid sick leave that would be established by this bill, whereby workers at businesses with less than 50 employees receive fewer days of sick leave (five) than employees at larger firms (three). This differs significantly from the approach taken in HB 235, sponsored by the Working Families Legislative Caucus, which extends seven days of paid sick leave to all workers, regardless of business size. **We note that according to U.S. Census's Statistics of U.S. Small Businesses (SUSB) data, 91 percent of business in Hawai'i have fewer than 50 employees, with at over 26 percent of all workers—including both public and private sector employees and employees who already have access to sick leave—being employed at those businesses.**

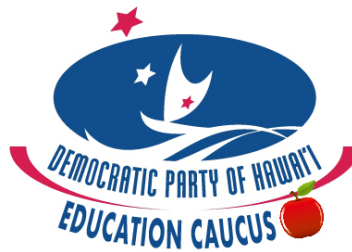
Accordingly, we **urge the committee to amend this bill in the following ways**, language for which can be found in HB 235.

- Provide at least seven days of sick leave for all workers, rather than creating a two-tiered approach to sick leave that extends fewer leave days to employees at businesses with fewer than fifty employees.
- Allow sick leave to be used for immediate family members, including children, grandchildren, parents, and grandparents.

- Change the sick leave accrual rate from 1 hour for every 40 hours worked to 1 hour for every 30 hours worked.
- Give access to sick leave for all employees who work at least 80 hours in a year, instead of more than 200 hours in a year as HB 1202 currently specifies.

To allow workers the time they need to recover when they become ill, we must establish a strong paid sick leave policy for our island home. Doing so is not just a matter of financial security, but an urgent step toward healing the cracks in our broken public health system.

Kris Coffield · Executive Director, Imua Alliance · (808) 679-7454 · kris@imuaalliance.org



HOUSE BILL 1202, RELATING TO PAID SICK LEAVE

FEBRUARY 14, 2023 · HOUSE LABOR AND
GOVERNMENT OPERATIONS COMMITTEE · CHAIR
REP. SCOT Z. MATAYOSHI

POSITION: Comments with amendments.

RATIONALE: The Democratic Party of Hawai'i Education Caucus provides comments with suggested amendments for HB 1202, relating to paid sick leave, which requires employers to provide a minimum amount of paid sick leave to employees and supplemental paid sick leave to employees under certain public health emergency conditions.

Approximately 180,000 workers lack access to sick leave in Hawai'i. That is unconscionable, especially following the COVID-19 pandemic. For the sake of the workers who drive our economy forward and to preserve public health, we can and we must do better. We are one of Hawai'i's leading anti-trafficking victim service providers. Human trafficking is driven, in part, by systemic poverty. Enacting common-sense economic justice measures will provide the support for working families that is essential in disrupting our state's prolific slave trade.

According to the United States Bureau of Labor Statistics, paid sick leave was not available to 23 percent of private industry workers in March of 2021. Moreover, these benefits were available to only 12 percent of workers in the lowest 25th percentile wage category and available to only 37 percent of workers in the highest 25th percentile of income earners, which leaves a significant segment of the nation's workers without this essential health benefit.

In Hawai'i, an estimated 42 percent of private sector workers lack access to paid sick leave, according to Hawai'i Children's Action Network Speaks!, citing a 2015 analysis by the Institute for Women's Policy Research. Low-income workers are significantly less likely to have paid sick leave benefits than other members of the workforce. Only one in five low-income workers has access to paid sick leave, even though many of these employees work in the service sector and perform jobs that require them to engage with the public, such as food servers or sales representatives.

COVID-19 made it glaringly evident that paid sick leave is needed for workers and their families to be able to quarantine, recover, and care for others without having to choose between protecting their financial security or preserving their personal health and the well-being of the community. **We are still living through the effects of the pandemic.** Therefore, we must view paid sick leave is a critical public health tool in combatting the spread of COVID-19 and other diseases that endanger public health, both now and in the future.

That said, we have strong reservations about the two-tiered approach to paid sick leave that would be established by this bill, whereby workers at businesses with less than 50 employees receive fewer days of sick leave (five) than employees at larger firms (three). This differs significantly from the approach taken in HB 235, sponsored by the Working Families Legislative Caucus, which extends seven days of paid sick leave to all workers, regardless of business size. **We note that according to U.S. Census's Statistics of U.S. Small Businesses (SUSB) data, 91 percent of business in Hawai'i have fewer than 50 employees, with at over 26 percent of all workers—including both public and private sector employees and employees who already have access to sick leave—being employed at those businesses.**

Accordingly, we **urge the committee to amend this bill in the following ways**, language for which can be found in HB 235.

- Provide at least seven days of sick leave for all workers, rather than creating a two-tiered approach to sick leave that extends fewer leave days to employees at businesses with fewer than fifty employees.
- Allow sick leave to be used for immediate family members, including children, grandchildren, parents, and grandparents.

- Change the sick leave accrual rate from 1 hour for every 40 hours worked to 1 hour for every 30 hours worked.
- Give access to sick leave for all employees who work at least 80 hours in a year, instead of more than 200 hours in a year as HB 1202 currently specifies.

To allow workers the time they need to recover when they become ill, we must establish a strong paid sick leave policy for our island home. Doing so is not just a matter of financial security, but an urgent step toward healing the cracks in our broken public health system.

Kris Coffield · Chairperson, DPH Education Caucus · (808) 679-7454 · kriscoffield@gmail.com



**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 14, 2023
Re: HB 1202 RELATING TO PAID SICK LEAVE**

Good morning, Chair Matayoshi and members of the House Committee on Labor and Government Operations. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901 and is a statewide, not for profit trade organization committed to supporting the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, on-line sellers, local, national, and international retailers, chains, and everyone in between.

The Retail Merchants of Hawaii opposes HB 1202 Relating to Paid Sick Leave. This bill requires employers to provide a minimum amount of paid sick leave to employees and supplemental paid sick leave to employees under certain public health emergency conditions..

We would like to point out that there is a difference between sick leave and family leave. Sick leave is for the employee themselves who is feeling ill. Family leave is for that employee to take care of FAMILY members when the family member is ill. Employers are already required by law to provide Family Leave to employees that includes protected leave to care for family members who are ill.

Many businesses already have a paid sick leave policy in place or they have Paid Time Off where a set number of days for either day(s) off or sick leave. The duration of which, effective date of application and other specifics vary depending on the needs of the business and employer's resources. **Hawaii's employers are the only ones in the entire nation that is mandated to provide Health Care Insurance for their employees.** No other state mandates this and mainland employees must pay this out of pocket.

HB 1202 would add another costly benefit to the list. It is important to note that **in addition to the "sick leave" compensation the employer pays to the individual taking sick leave, the employer most likely have to pay the same compensation to another employee "filling in" for this individual.**

Retailers are one of the hardest hit industries due to the pandemic and this type of ban would hurt our retailers during a time when many are still struggling to remain open. Stores had to endure astronomical increases in shipping costs and in the price of goods from manufacturers and wholesalers. And last year with the unexpected increase in employee wages at the end of the year when the minimum wage was raised. Many retailers are still struggling to pay back the debt incurred during the pandemic. **Businesses cannot afford any more hardship as we are seeing more and more retailers closing their doors forever.**

While it has been suggested that Hawaii should institute universal health care like they have in European countries, we would like to point out that employees pay 40 – 50% of their wages to taxes to pay for this national benefit.

Policy makers should be focusing in on eliminating obstacles to business growth, job creation and economic stability and not adding additional costs that employers cannot afford.

We respectfully ask that you hold this measure.

Again, mahalo for this opportunity to testify.



February 12, 2023

Rep. Scot Z. Matayoshi, Chair
Rep. Andrew Takuya Garrett, Vice Chair
Committee on Labor & Government Relations
Tuesday, February 14, 2023
9:30 am
via Video Conference

RE: HB1202 Relating to Paid Sick Leave (SUPPORT with Amendments)

Dear Chair Matayoshi, Vice Chair Garrett & Committee Members,

Chamber of Sustainable Commerce offers this testimony in SUPPORT of HB1202, which requires employers to provide a minimum amount of paid sick leave to employees and supplemental paid sick leave to employees under certain public health emergency conditions.

As small business owners who believe we can strengthen our economy without hurting employees, consumers or the environment, we urge this committee to vote in favor of passing HB1202, because we recently experienced just how inter-dependent our businesses are in keeping our workforces and customers healthy. "Safety nets" for workers were important to all of our shared economic sustainability – an important reminder that our businesses do not operate in vacuums or silos. Some of us are still dealing with supply chain backlog which underscores how far reaching our reliance on a healthy workforce extends, including companies several links away.

In addition, recent pandemic safeguards revealed was how public health policies impacted our workers: having a four year-old with a mild runny nose soon required a parent to miss work and stay home with their child because leaving a four year-old home alone may have put the child in harms way.

Therefore, we ask that this committee **amend § -3 "Use of paid sick leave"**, to add another triggering event that would allow an employee to use paid sick leave under this statute: "employee's need to provide care for a sick household member/ dependent in the case where not remaining home with the sick child or adult could reasonably result in Child Protective Services or Adult Protective Services investigating employee for neglect."



HAWAII WORKERS CENTER

LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

Defending and Respecting the workers of
Hawaii'i

(508) 967-5377
hawaiiworkerscenter@gmail.com
hawaiiworkerscenter.org

February 13, 2023

Hawaii State House of Representatives
Committee on Labor and Government Operations
Rep. Scot Z. Matayoshi, Chair
Rep. Andrew Takuya Garrett, Vice Chair

Executive
Committee of the
Board

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Robyn Conboy

Co-Executive
Directors

Tony Doroño

Sergio Alcubilla III,
Esq.

RE: COMMENTS for H.B. 1202 RELATING TO PAID SICK LEAVE

Dear Chair Rep. Matayoshi, Vice-Chair Rep. Garrett, and members of the Committee on Labor and Government Operations:

The Hawaii Workers Center envisions a Hawaii in which all workers are empowered to exercise their right to organize for their social, economic and political well-being. It is a resource of information, education, training and organizing for Hawaii's low-wage and immigrant workers.

The Hawaii Workers Center offers the following comments for H.B. 1202 which requires employers to provide a minimum amount of paid sick leave to employees and supplemental paid sick leave to employees under certain public health emergency conditions.

Our preference as it relates to paid sick leave is to stand in strong support for H.B. 235 as the better bill for Hawaii's workers.

Please consider amending H.B. 1202 by:

- 1) providing at least 7 days of sick leave for all workers as in H.B. 235, instead of creating a two-tiered approach to sick leave that extends fewer leave days to employees at businesses with fewer than fifty employees;
- 2) allowing sick leave to be used for immediate family members, including children, grandchildren, parents, and grandparents;
- 3) changing the sick leave accrual rate from 1 hour for every 40 hours worked to 1 hour for every 30 hours worked; and
- 4) giving access to sick leave for all employees who work at least 80 hours in a year, instead of more than 200 hours in a year as written in H.B. 1202.

Paid sick leave is a matter of health and safety not only for the 180,000 workers without it but for their families and for our community as well. Thank you for standing up for Hawaii's workers.

Sincerely,

Sergio J. Alcubilla
Executive Director



Chamber of Commerce HAWAII

The Voice of Business

Testimony to the House Committee on Labor & Government Operations Tuesday, February 14, 2023, at 9:30am Conference Room 309 & Videoconference

RE: HB 1202 Relating to Paid Sick Leave

Aloha Chair Matayoshi, Vice Chair Takuya Garrett, and members of the committee,

The Chamber of Commerce Hawaii ("The Chamber") **does not support HB 1202**, which requires employers to provide a minimum amount of paid sick leave to employees and supplemental paid sick leave to employees under certain public health emergency conditions.

The Chamber does not support the implementation of mandatory paid sick leave to employees because it would impose a significant financial burden on our smallest businesses. In a survey we conducted of over 100 small businesses in January 2023, only 35% of businesses said they completely recovered from the pandemic and are doing better now than before the pandemic. 64% of the businesses said they either have gone back to where they were before the pandemic, or are still struggling and need support.

Overall, 49% of businesses had a negative view of the economy. 32% of businesses said they view the economy as positive and growing, with 16% being neutral. 44% of businesses stated that they feel the economy is getting worse, with 28% saying it has improved, and 27% saying it stayed the same.

Due to this data, we believe that now is not the time to impose a mandatory policy on our smallest businesses who are still struggling. Most businesses in the state already offer some form of paid sick leave or PTO options for employees. We believe a one-size-fits-all model mandating would only hurt our economy.

Furthermore, mandatory paid sick leave may encourage employees to take time off when they are not truly ill, resulting in a decrease in productivity, lower work morale, and an increase in operational costs. This policy would also reduce the competitiveness of local businesses by increasing their labor costs and overall passing the costs onto the consumer, making them less attractive to customers.

With the current economic situation in Hawaii still not recovered from the COVID-19 pandemic, supply chain issues, and inflation, as well as an uncertain forecast for this year, we ask that you hold this bill to let the businesses get back to pre-pandemic levels.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 2,000+ businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization



works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

Thank you for the opportunity to testify.



Testimony to the House Committee on Labor and Government Operations
Tuesday, February 14, 2023
9:30 AM
Conference Room 309

Comments Re: HB 1202, Relating to Paid Sick Leave

To: The Honorable Scot Matayoshi, Chair
The Honorable Andrew Garrett, Vice-Chair
Members of the Committee

My name is Stefanie Sakamoto, and I am testifying on behalf of the Hawaii Credit Union League, the local trade association for 47 Hawaii credit unions, representing over 864,000 credit union members across the state.

HCUL offers the following comments on HB 1202, Relating to Paid Sick Leave. This bill would require employers to provide a minimum amount of paid sick leave to employees to be used to care for themselves or a family member who is ill or needs medical care and supplemental paid sick leave to employees under certain public health emergency conditions.

While we understand the intent of this legislation, we have concerns with its structure and administration. It is unclear with regards to how this leave program would interact with current federal requirements, and the recordkeeping component would cause confusion and administrative cost. This could cause the unintended consequence of employers needing to scale back in other ways in order to comply with the administrative expense. Further, we have concerns with how HIPAA laws may apply or contradict requirements in this bill for disclosure of medical care.

Thank you for the opportunity to provide comments on this issue.



Hawai'i Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.

To: House Committee on Labor & Government Operations

Re: **HB 1202 - Relating to Paid Sick Leave**

Hawai'i State Capitol and via videoconference

February 14, 2023, 9:30 AM

Dear Chair Matayoshi, Vice Chair Garrett, and Committee Members,

On behalf of Hawai'i Children's Action Network Speaks!, I am writing in **SUPPORT with suggested amendments to HB 1202, relating to paid sick leave**. This bill enables employees to earn paid sick time and provides supplemental paid sick leave to employees under certain public health emergency conditions.

Every day, there are Hawai'i workers who are forced to choose between their paycheck and their health or their families' health. The lack of paid sick days for all workers in Hawai'i comes at a cost to not only those workers and their families, but also to the local economy and our community's health.

The United States is the only wealthy nation without guaranteed paid sick days.¹ More than one in five private sector workers in the nation — and six in 10 of the lowest-wage workers — do not have paid sick days to care for their own health.²

In Hawai'i, less than half (45%) of leisure and hospitality workers reported they had paid sick days in a Bank of Hawai'i study.³

Hawai'i should join the 14 states and District of Columbia that have passed paid sick days laws,⁴ as studies have shown that they lead to significant benefits for both employers and health systems.

We respectfully **suggest amending this bill** to:

- Allow employees at all firms, regardless of size, to earn the same amount of paid sick time, as **91% of firms in Hawai'i employ fewer than 50 employees**,⁵
- Allow workers to use their paid sick time to care for immediate family members, including children, grandchildren, parents, and grandparents, which is generally included in state-level paid sick days laws, and
- Change the accrual rate of sick time to 1 hour for every 30 hours worked, which is the most common rate among the states that have paid sick days laws.⁶

¹ <https://cepr.net/report/contagion-nation-2020-united-states-still-the-only-wealthy-nation-without-paid-sick-leave/>

² <https://www.bls.gov/news.release/pdf/ebs2.pdf>

³ https://s3.amazonaws.com/cfsi-innovation-files-2018/wp-content/uploads/2020/02/03230029/Hawaii_Financial_Health_Pulse.pdf

⁴ <https://www.americanprogress.org/article/the-state-of-paid-sick-time-in-the-u-s-in-2023/>

⁵ <https://www.census.gov/data/tables/2019/econ/susb/2019-susb-annual.html>

⁶ <https://www.americanprogress.org/article/the-state-of-paid-sick-time-in-the-u-s-in-2023/>

HCAN Speaks! Board
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When researchers looked at states with paid sick days laws, like Connecticut,⁷ Massachusetts,⁸ and New York,⁹ they found little to no effect on businesses' productivity or bottom lines, and that a majority of employers support such laws.

Cities like Seattle and San Francisco saw higher rates of business growth after implementing paid sick days than in neighboring jurisdictions that didn't. Some analyses found significant cost savings for employers, due to reductions in the spread of illness and resulting drops in productivity, as well as less job turnover.¹⁰

Similarly, paid sick days have been shown to reduce health care costs for workers, employers, and the government. Workers without paid sick days are more likely to rely on public assistance programs. Those without paid sick days are more likely to delay health care, which leads to higher medical expenses and more frequent emergency room visits. That adds to the high costs of both private health insurance and taxpayer-funded health programs.¹¹

Researchers have found that workers without paid sick days are 1.5 times more likely to go to work with a contagious illness, and when parents don't have paid sick days, they are more than twice as likely to send a sick child to school or child care as those with paid sick days.¹²

Even before the pandemic, researchers found higher rates of flu transmission among employees lacking paid sick days. A 2020 analysis found an 11 percent drop in flu-like illnesses in a number of states in the first year after paid sick days were enacted.¹³

It's time for Hawai'i to guarantee paid sick days for all of our workers. Please pass this bill with our suggested amendments.

Thank you,

Nicole Woo
Director of Research and Economic Policy

⁷ <https://cepr.net/report/good-for-business-connecticuts-paid-leave-law/>

⁸ <https://iwpr.org/iwpr-issues/esme/valuing-good-health-in-massachusetts-the-costs-and-benefits-of-earned-sick-days/>

⁹ <https://cepr.net/report/no-big-deal-the-impact-of-new-york-city-s-paid-sick-days-law-on-employers/>

¹⁰ <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/paid-sick-days-good-for-business-and-workers.pdf>

¹¹ <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/paid-sick-days-lead-to-cost-savings-savings-for-all.pdf>

¹² <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/paid-sick-days-lead-to-cost-savings-savings-for-all.pdf>

¹³ <https://docs.iza.org/dp13530.pdf>

HB-1202

Submitted on: 2/10/2023 1:11:17 PM

Testimony for LGO on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Patrick Karjala	Individual	Support	Written Testimony Only

Comments:

I am writing today to offer my SUPPORT for HB 1202. It is imperative that all employees have the opportunity to have access to sick leave, and that employers both provide and honor when an employee makes reasonable requests for sick leave.

Please pass this bill to ensure better sick leave for all working employees!

HB-1202

Submitted on: 2/11/2023 3:33:54 PM

Testimony for LGO on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Amy Monk	Individual	Support	Written Testimony Only

Comments:

LGO CHair Matayoshi, Vice Chair Garrett and Committee members:

Please support this bill because Hawaii’s hourly workers need paid sick days.

If the recent pandemic has taught us anything, it is to protect others there are times when people need to isolate and care for themselves or sick family members.

Hourly workers are mostly in the service sector, they get paid for the hours they work. There is little margin beyond food and shelter, missing a few hours of work can have serious impact on a family’s finances.

If hourly workers can earn and accrue 1 hour of sick leave for every 40 hours of work, that results in 7 days of paid sick leave per year. This will allow those food service workers in our restaurants and cafeterias, nurses aides in our senior care facilities, and other hourly workers to care for themselves or family members when they are sick and contagious.

We should pass this bill while the lessons of COVID-19 are still fresh and we know what needs to be done for the next health crisis.

Sincerely,

Amy Monk

HB-1202

Submitted on: 2/11/2023 3:47:24 PM

Testimony for LGO on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Greg Crawford	Individual	Comments	Written Testimony Only

Comments:

Dear Honorable Representatives,

Mahalo for the opportunity to offer comments on HB1202. Currently, approximately 180,000 workers in Hawai'i lack access to sick leave, most of whom work in the service industry.

Low-income workers are significantly less likely to have paid sick leave than other members of the workforce. Only one in five low-income workers has access to paid sick leave.

Paid sick leave is essential to preserving personal and public health, giving employees time to recover from illness and prevent contagions from spreading to the community.

That said, HB1202 is not as strong as HB235, which extends 7 days of sick leave to all workers and their family members. Please amend HB1202 by:

- 1. Providing at least 7 days of sick leave for all workers as in HB235, and eliminate the two-tiered approach to sick leave that extends fewer leave days to employees at businesses with fewer than 50 employees;*
- 2. Allowing sick leave to be used for immediate family members, including children, grandchildren, parents and grandparents;*
- 3. Changing the sick leave accrual rate from 1 hour for every 40 hours worked to 1 hour for every 30 hours worked; and*
- 4. Giving access to sick leave for all employees who work at least 80 hours in a year, instead of more than 200 hours in a year as HB1202 currently specifies.*

Mahalo.

Greg Crawford

HB-1202

Submitted on: 2/11/2023 3:50:22 PM

Testimony for LGO on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Larry Alfrey	Individual	Comments	Written Testimony Only

Comments:

Mahalo for the opportunity to offer comments on HB1202. Currently, approximately 180,000 workers in Hawai'i lack access to sick leave, most of whom work in the service industry.

Low-income workers are significantly less likely to have paid sick leave than other members of the workforce. Only one in five low-income workers has access to paid sick leave.

Paid sick leave is essential to preserving personal and public health, giving employees time to recover from illness and prevent contagions from spreading to the community.

That said, HB1202 is not as strong as HB235, which extends 7 days of sick leave to all workers and their family members. Please amend HB1202 by:

- 1. Providing at least 7 days of sick leave for all workers as in HB235, and eliminate the two-tiered approach to sick leave that extends fewer leave days to employees at businesses with fewer than 50 employees;*
- 2. Allowing sick leave to be used for immediate family members, including children, grandchildren, parents and grandparents;*
- 3. Changing the sick leave accrual rate from 1 hour for every 40 hours worked to 1 hour for every 30 hours worked; and*
- 4. Giving access to sick leave for all employees who work at least 80 hours in a year, instead of more than 200 hours in a year as HB1202 currently specifies.*

Mahalo.

HB-1202

Submitted on: 2/11/2023 3:51:09 PM

Testimony for LGO on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Greg and Pat Farstrup	Individual	Comments	Written Testimony Only

Comments:

Please amend HB1202 by:

- 1. Providing at least 7 days of sick leave for all workers as in HB235, and eliminate the two-tiered approach to sick leave that extends fewer leave days to employees at businesses with fewer than 50 employees;*
- 2. Allowing sick leave to be used for immediate family members, including children, grandchildren, parents and grandparents;*
- 3. Changing the sick leave accrual rate from 1 hour for every 40 hours worked to 1 hour for every 30 hours worked; and*
- 4. Giving access to sick leave for all employees who work at least 80 hours in a year, instead of more than 200 hours in a year as HB1202 currently specifies.*

Kū i ka pono! Mahalo.

HB-1202

Submitted on: 2/11/2023 5:22:16 PM

Testimony for LGO on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Mike Golojuch, Sr.	Rainbow Family 808	Support	Written Testimony Only

Comments:

Rainbow Family 808 supports HB1202. However, all workers should be treated the same when it comes to the amount of sick leave they will be able to earn and use. Thank you,

Mike Golojuch, Sr., Secretary/Board Member

HB-1202

Submitted on: 2/11/2023 8:51:20 PM

Testimony for LGO on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Hansen	Individual	Support	Written Testimony Only

Comments:

Mahalo for the opportunity to offer comments on HB1202. Currently, approximately 180,000 workers in Hawai'i lack access to sick leave, most of whom work in the service industry.

That said, HB1202 is not as strong as HB235, which extends 7 days of sick leave to all workers and their family members. Please amend HB1202 by:

- 1. Providing at least 7 days of sick leave for all workers as in HB235, and eliminate the two-tiered approach to sick leave that extends fewer leave days to employees at businesses with fewer than 50 employees;*
- 2. Allowing sick leave to be used for immediate family members, including children, grandchildren, parents and grandparents;*
- 3. Changing the sick leave accrual rate from 1 hour for every 40 hours worked to 1 hour for every 30 hours worked; and*
- 4. Giving access to sick leave for all employees who work at least 80 hours in a year, instead of more than 200 hours in a year as HB1202 currently specifies.*

Mahalo.

Elizabeth Hansen, Hakalau HI 96710

HB-1202

Submitted on: 2/11/2023 9:29:11 PM

Testimony for LGO on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Rodger Hansen	Individual	Support	Written Testimony Only

Comments:

Mahalo for the opportunity to offer comments on HB1202. Currently, approximately 180,000 workers in Hawai'i lack access to sick leave, most of whom work in the service industry.

That said, HB1202 is not as strong as HB235, which extends 7 days of sick leave to all workers and their family members. Please amend HB1202 by:

- 1. Providing at least 7 days of sick leave for all workers as in HB235, and eliminate the two-tiered approach to sick leave that extends fewer leave days to employees at businesses with fewer than 50 employees;*
- 2. Allowing sick leave to be used for immediate family members, including children, grandchildren, parents and grandparents;*
- 3. Changing the sick leave accrual rate from 1 hour for every 40 hours worked to 1 hour for every 30 hours worked; and*
- 4. Giving access to sick leave for all employees who work at least 80 hours in a year, instead of more than 200 hours in a year as HB1202 currently specifies.*

Mahalo.

Rodger Hansen, Hakalau HI 96710

HB-1202

Submitted on: 2/12/2023 5:11:44 AM

Testimony for LGO on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Tony Radmilovich	Individual	Support	Written Testimony Only

Comments:

Mahalo for the opportunity to offer comments on HB1202. Currently, approximately 180,000 workers in Hawai'i lack access to sick leave, most of whom work in the service industry.

Low-income workers are significantly less likely to have paid sick leave than other members of the workforce. Only one in five low-income workers has access to paid sick leave.

Paid sick leave is essential to preserving personal and public health, giving employees time to recover from illness and prevent contagions from spreading to the community.

That said, HB1202 is not as strong as HB235, which extends 7 days of sick leave to all workers and their family members. Please amend HB1202 by:

- 1. Providing at least 7 days of sick leave for all workers as in HB235, and eliminate the two-tiered approach to sick leave that extends fewer leave days to employees at businesses with fewer than 50 employees;*
- 2. Allowing sick leave to be used for immediate family members, including children, grandchildren, parents and grandparents;*
- 3. Changing the sick leave accrual rate from 1 hour for every 40 hours worked to 1 hour for every 30 hours worked; and*
- 4. Giving access to sick leave for all employees who work at least 80 hours in a year, instead of more than 200 hours in a year as HB1202 currently specifies.*

Mahalo.

HB-1202

Submitted on: 2/12/2023 7:21:47 AM

Testimony for LGO on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Nanea Lo	Individual	Comments	Written Testimony Only

Comments:

Hello,

My name is Nanea Lo. I'm born and raised in the Hawaiian Kingdom a Kanaka Maoli.

I'm writing with comments and amendments:

- Currently, approximately 180,000 workers in Hawai'i lack access to sick leave, most of whom work in the service industry.
- Low-income workers are significantly less likely to have paid sick leave than other members of the workforce. Only one in five low-income workers has access to paid sick leave.
- Paid sick leave is essential to preserving personal and public health, giving employees time to recover from illness and prevent contagions from spreading to the community
- That said, HB 1202 is not as strong as HB 235, which extends seven days of sick leave to all workers and their family members. Please amend HB 1202 by: 1) providing at least seven days of sick leave for all workers as in HB 235, rather than creating a two-tiered approach to sick leave that extends fewer leave days to employees at businesses with fewer than fifty employees; 2) allowing sick leave to be used for immediate family members, including children, grandchildren, parents, and grandparents; 3) changing the sick leave accrual rate from 1 hour for every 40 hours worked to 1 hour for every 30 hours worked; and 4) giving access to sick leave for all employees who work at least 80 hours in a year, instead of more than 200 hours in a year as HB 1202 currently specifies.

me ke aloha 'āina,
Nanea Lo, Mō'ili'ili

HB-1202

Submitted on: 2/12/2023 9:20:49 AM

Testimony for LGO on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Marsha Hee	Individual	Comments	Written Testimony Only

Comments:

Aloha,

Mahalo for the opportunity to offer comments on HB1202. Currently, approximately 180,000 workers in Hawai‘i lack access to sick leave, most of whom work in the service industry.

Low-income workers are significantly less likely to have paid sick leave than other members of the workforce. Only one in five low-income workers has access to paid sick leave.

Paid sick leave is essential to preserving personal and public health, giving employees time to recover from illness and prevent contagions from spreading to the community.

That said, **HB1202 is not as strong as HB235, which extends 7 days of sick leave to all workers and their family members. Please amend HB1202 by:**

1. Providing at least 7 days of sick leave for all workers as in HB235, and eliminate the two-tiered approach to sick leave that extends fewer leave days to employees at businesses with fewer than 50 employees;
2. Allowing sick leave to be used for immediate family members, including children, grandchildren, parents and grandparents;
3. Changing the sick leave accrual rate from 1 hour for every 40 hours worked to 1 hour for every 30 hours worked; and
4. Giving access to sick leave for all employees who work at least 80 hours in a year, instead of more than 200 hours in a year as HB1202 currently specifies.

Mahalo

Marsha Hee, Hawaii Island resident

HB-1202

Submitted on: 2/12/2023 12:16:04 PM

Testimony for LGO on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Raymond Catania	Individual	Support	Written Testimony Only

Comments:

Dear Committee Chair and Members.

I support HB1202, but with very needed amendments. We need at least 7 days paid sick leave regardless of establishment size or time of service for all workers. We should not create a two-tiered system that leads to inequality based on business size.

Mahalo,

Ray Catania Hawaii Workers Center Kauai volunteer rep

HB-1202

Submitted on: 2/12/2023 1:16:27 PM

Testimony for LGO on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Patricia Bilyk	Individual	Support	Written Testimony Only

Comments:

TO: Representative Scot Matayoshi, Chair, Representative Andrew Takuya Garret, Vice Chair, and the Members of the Committee on Labor and Government Operations

FROM: Patricia Bilyk, RN, MPH,MSN Maternal Child Clinical Nurse Specialist

DATE: Tuesday, February 14, 2023 9:30am

RE: HB 1202 Paid Sick Days **STRONG SUPPORT**

Good Morning! I am Patricia Bilyk and I stand in **STRONG SUPORT** of HB1202!

I've been an Advamced Practice Registered Nurse for nearly 50 years in Hawaii and cared for many families with all income levels. One issue that recurrently arose with my families , was the inability to stay home when they were sick because it impacted on their family income.

As a health care professional and public health specialist, an individual going to work sick is a public health issue not only impacting the worksite but the public at large. This issue of a sick, contagious individual exposing others to his/her disease was extremely evident in our most recent Covid Pandemic ,causing disastrous results to our Hawaii population.

I feel it is time for Hawaii to step up and guarentee at least 7 paid sick leave days (56 hours) per year for all employees (public and private) in our State.

I thank you for the opportunity to provide my supportive testimony for HB1202.

HB-1202

Submitted on: 2/12/2023 3:25:09 PM

Testimony for LGO on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Marion McHenry	Individual	Comments	Written Testimony Only

Comments:

Hawaii desperately needs paid sick leave. This bill is very weak. Please use the language in HB235 which is a much better bill to move forward.

Rep Matayoshi, please schedule HB235 for a hearing.

Hawaii needs paid sick leave for our workers!

Sincerely,

Marion McHenry

Kauai

HB-1202

Submitted on: 2/12/2023 4:49:38 PM

Testimony for LGO on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jun Shin	Individual	Comments	Written Testimony Only

Comments:

Please **AMEND** HB1202 by:

- 1) Providing at least seven days of sick leave for all workers as in HB 235, rather than creating a two-tiered approach to sick leave that extends fewer leave days to employees at businesses with fewer than fifty employees
- 2) Allowing sick leave to be used for immediate family members, including children, grandchildren, parents, and grandparents
- 3) Changing the sick leave accrual rate from 1 hour for every 40 hours worked to 1 hour for every 30 hours worked
- 4) Giving access to sick leave for all employees who work at least 80 hours in a year, instead of more than 200 hours in a year as HB 1202 currently specifies.

Thank you,

Jun Shin

808-255-6663

HB-1202

Submitted on: 2/12/2023 7:24:25 PM

Testimony for LGO on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Comments	Written Testimony Only

Comments:

Mahalo for the opportunity to offer comments on HB1202. Currently, approximately 180,000 workers in Hawai'i lack access to sick leave, most of whom work in the service industry.

Low-income workers are significantly less likely to have paid sick leave than other members of the workforce. Only one in five low-income workers has access to paid sick leave.

Paid sick leave is essential to preserving personal and public health, giving employees time to recover from illness and prevent contagions from spreading to the community.

That said, HB1202 is not as strong as HB235, which extends 7 days of sick leave to all workers and their family members. Please amend HB1202 by:

- Providing at least 7 days of sick leave for all workers as in HB235, and eliminate the two-tiered approach to sick leave that extends fewer leave days to employees at businesses with fewer than 50 employees;
- Allowing sick leave to be used for immediate family members, including children, grandchildren, parents and grandparents;
- Changing the sick leave accrual rate from 1 hour for every 40 hours worked to 1 hour for every 30 hours worked; and
- Giving access to sick leave for all employees who work at least 80 hours in a year, instead of more than 200 hours in a year as HB1202 currently specifies.

HB-1202

Submitted on: 2/12/2023 8:16:37 PM

Testimony for LGO on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Christy MacPherson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Matayoshi, Vice Chair Garrett and members of the House Committee on Labor and Government Operations,

I am in strong support of HB1202. It is time that ALL workers, particularly low-wage workers, are provided with the same *humane* working conditions that other workers are afforded. Being able to stay home when you are sick or when your young children are sick and not lose your pay (that is unfortunately never enough to begin with) is a benefit that all employers should be providing for their employees. This also obviously reduces the spread of viruses that could have serious health impacts for co-workers.

I can't even begin to count the number of times I have seen friends and families whom I worked with having to *drag* themselves to work when they are feeling their absolute worst because they have to pay their bills. I've witnessed single, homeless parents having to call in sick in order to take care of their babies or toddlers because no one else could care for them. That meant money taken out of the paychecks they depended on in order to move out of our shelter and into housing. These are just a few examples of what our low-wage workers are going through out there.

Mahalo nui to our legislators who introduced and support this critical piece of legislation.

HB-1202

Submitted on: 2/13/2023 9:28:37 AM

Testimony for LGO on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Bonnie Self	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am in strong support of HB1202. I feel this is a step in the right direction toward a very important right that every employee should receive.

Mahalo,

Bonnie Self

HB-1202

Submitted on: 2/13/2023 10:01:35 AM

Testimony for LGO on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Hunter Heavilin	Individual	Support	Written Testimony Only

Comments:

I support HB1202 which requires employers to provide a minimum amount of paid sick leave to their employees. This bill will ensure that all workers, regardless of their job or employer, have access to essential time off to care for their health and well-being. When employees are able to take time off when they are sick, they can recover and return to work, reducing the spread of illness to others in the workplace and the wider community.

Furthermore, the bill requires employers to provide supplemental paid sick leave during public health emergencies, such as the ongoing COVID-19 pandemic. This recognition of the unique challenges that public health crises pose to working families is crucial to ensuring their health, stability, and financial security during times of uncertainty. By providing paid sick leave, workers will have the peace of mind they need to stay home when they are unwell, without having to worry about losing pay or their job. The passage of HB1202 will have a positive impact on the health and economic security of workers and the wider community.