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# SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO  
CONVENE A WORKING GROUP TO DEVELOP RECOMMENDATIONS FOR  
ESTABLISHING AND IMPLEMENTING A PAID FAMILY AND MEDICAL  
LEAVE PROGRAM FOR THE STATE.

1 WHEREAS, the United States is the only remaining  
2 industrialized nation without mandated access to paid family and  
3 medical leave benefits for private sector employees under  
4 federal law; and

5  
6 WHEREAS, paid family and medical leave programs have been  
7 enacted in thirteen states and Washington, D.C. as of January  
8 2024; and

9  
10 WHEREAS, existing State law does not require employers to  
11 provide paid family and medical leave to employees; and

12  
13 WHEREAS, the federal Family and Medical Leave Act of 1993  
14 (FMLA) requires employers with fifty or more employees to  
15 provide unpaid family and medical leave to their employees and  
16 existing Hawaii law requires employers with one hundred or more  
17 employees to provide unpaid family leave to their employees; and

18  
19 WHEREAS, ninety-six percent of private employers in the  
20 State, however, have fewer than fifty employees, and are  
21 therefore not statutorily required to provide unpaid family and  
22 medical leave under the FMLA or family leave under existing  
23 state law; and

24  
25 WHEREAS, as a result, only one in four private sector  
26 workers in the State have access to paid family and medical  
27 leave, voluntarily provided by their employers; and

28  
29 WHEREAS, according to a May 2020 report published by the  
30 AARP and National Alliance for Caregiving, there are nearly



1 forty-eight million family caregivers in the United States, of  
2 which sixty-one percent are working while juggling caregiving  
3 responsibilities; and  
4

5 WHEREAS, a family caregiver is a relative, partner, friend,  
6 or neighbor who has a significant personal relationship with,  
7 and who provides a broad range of assistance for, an older  
8 person or an adult with a chronic, disabling, or serious health  
9 condition; and  
10

11 WHEREAS, family caregivers are the backbone of the  
12 long-term care system in the State, especially in the context of  
13 the ongoing health care workforce shortage; and  
14

15 WHEREAS, according to the Valuing the Invaluable: 2023  
16 Update report published by AARP in March 2023, there are 154,000  
17 family caregivers in the State, contributing 144 million hours  
18 of unpaid services, worth an estimated \$2.6 billion; and  
19

20 WHEREAS, family caregivers face many physical, emotional,  
21 and financial challenges, especially because they are often  
22 required to balance unpaid caregiving duties with employment and  
23 other personal responsibilities; and  
24

25 WHEREAS, a survey conducted in 2023 by AARP and S&P Global  
26 showed that sixty-seven percent of family caregivers are having  
27 difficulty balancing their jobs with caregiving duties;  
28 twenty-seven percent of working caregivers have shifted from  
29 full-time to part-time work or have reduced work hours and  
30 sixteen percent have turned down a promotion; sixteen percent  
31 have stopped working entirely for a period of time; and thirteen  
32 percent have changed employers to meet caregiving  
33 responsibilities; and  
34

35 WHEREAS, during the past two decades, heightened attention  
36 has been given to the dual responsibilities of "sandwich  
37 generation" caregivers, who are family caregivers sandwiched  
38 between a younger generation--children or grandchildren they  
39 care for--and an older one--an older family member or friend for  
40 whom they also provide care; and  
41



1 WHEREAS, in 2019, thirty percent of family caregivers in  
2 the United States were sandwich generation caregivers, who  
3 generally span ages thirty-five to sixty-four and are more  
4 likely than other caregivers to be working while performing  
5 their caregiving responsibilities; and

6  
7 WHEREAS, as a result of the dual-generation care demands,  
8 sandwich generation caregivers report higher levels of emotional  
9 and financial strain; and

10  
11 WHEREAS, inequity in the existing socioeconomic structure  
12 and support infrastructure are also subjecting working women and  
13 people of color to be unequally burdened by caregiving duties  
14 and economic hardships due to caregiving; and

15  
16 WHEREAS, a paid family and medical leave program would  
17 enable family caregivers to take a limited period of time off  
18 from work to care of loved ones without fear of losing their  
19 jobs or income; and

20  
21 WHEREAS, paid family and medical leave programs are  
22 associated with improved outcomes in the earliest years of life  
23 for individuals, including higher rates of breastfeeding and  
24 immunization and lower rates of child abuse, domestic violence,  
25 and financial instability; and

26  
27 WHEREAS, in the face of the current workforce shortage, a  
28 paid family and medical leave program would incentivize  
29 individuals to join the labor market and improve employee  
30 retention, filling gaps and saving employers long-term  
31 recruitment and training costs; and

32  
33 WHEREAS, most small businesses in the State however, cannot  
34 finance a privately-funded paid family and medical leave  
35 insurance program that can provide benefits for all of their  
36 employees; and

37  
38 WHEREAS, a state-administered paid family and medical leave  
39 program would benefit the State's workforce while reducing the  
40 financial burden for employers compared to a privately funded  
41 alternative; now, therefore,  
42



1 BE IT RESOLVED by the Senate of the Thirty-third  
2 Legislature of the State of Hawaii, Regular Session of 2025, the  
3 House of Representatives concurring, that the Department of  
4 Labor and Industrial Relations is requested to convene a working  
5 group to develop recommendations for establishing and  
6 implementing a paid family and medical leave program for the  
7 State; and

8  
9 BE IT FURTHER RESOLVED that the Department of Labor and  
10 Industrial Relations is requested to conduct an actuarial study  
11 of the State's workforce, employers, potential beneficiaries,  
12 and other elements necessary to implement a paid family and  
13 medical leave program; and

14  
15 BE IT FURTHER RESOLVED that the working group is requested  
16 to:

- 17  
18 (1) Recommend parameters for a statewide paid family and  
19 medical leave program that benefits both public and  
20 private sector workers;  
21  
22 (2) Review the impacts of federal and state laws,  
23 including the federal Employee Retirement Income  
24 Security Act of 1974; federal Family and Medical Leave  
25 Act of 1993; Prepaid Health Care Act, codified at  
26 chapter 393, Hawaii Revised Statutes; and Hawaii  
27 Family Leave Law, codified at chapter 398, Hawaii  
28 Revised Statutes; federal and state regulations; and  
29 any relevant programs, on the establishment of a paid  
30 family and medical leave program;  
31  
32 (3) Review independent studies, research, and other  
33 information regarding paid family and medical leave;  
34  
35 (4) Develop an implementation plan that considers the  
36 findings of the actuarial study conducted by the  
37 Department of Labor and Industrial Relations and  
38 outlines an administrative framework for paid family  
39 and medical leave, including departmental oversight,  
40 projected costs, employer and employee contribution  
41 rates, staffing needs, outreach to employers and



1 employees, and potential timelines for program  
2 enactment and the initiation of benefits distribution;

3  
4 (5) Examine and address how the State's Temporary  
5 Disability Insurance (TDI) program may interface with  
6 or complement the paid family and medical leave  
7 program, including the feasibility, cost-benefit  
8 analysis, and a general roadmap for transitioning the  
9 existing private TDI program to an expanded public  
10 program that includes or complements paid family and  
11 medical leave benefits; and

12  
13 (6) Review any other relevant subject matter items it  
14 deems necessary to fulfill its purpose of developing  
15 recommendations for the establishment and  
16 implementation of a paid family and medical leave  
17 program for the State; and

18  
19 BE IT FURTHER RESOLVED that the working group is requested  
20 to be composed of the following members:

21  
22 (1) The Director of Labor and Industrial Relations, or the  
23 Director's designee, to serve as chairperson of the  
24 working group;

25  
26 (2) The Chair of the House of Representatives Standing  
27 Committee on Labor, or the Chair's designee;

28  
29 (3) The Chair of the Senate Standing Committee on Labor  
30 and Technology, or the Chair's designee;

31  
32 (4) The Director of Human Resources Development;

33  
34 (5) A representative from the Hawaii State Teachers  
35 Association, to be invited by the chairperson of the  
36 working group;

37  
38 (6) A representative from the United Public Workers,  
39 AFSCME Local 646, AFL-CIO, to be invited by the  
40 chairperson of the working group;

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- 1 (7) A representative from the Hawaii Government Employees  
2 Association, AFSCME Local 152, AFL-CIO, to be invited  
3 by the chairperson of the working group;  
4
- 5 (8) A representative from Aloha United Way, to be invited  
6 by the chairperson of the working group;  
7
- 8 (9) A representative from the American Association of  
9 University Women of Hawaii, to be invited by the  
10 chairperson of the working group;  
11
- 12 (10) A representative from an organization representing the  
13 interests of businesses with fewer than fifty  
14 employees, to be selected and invited by the Senate  
15 President;  
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- 17 (11) A representative from an organization representing the  
18 interests of businesses with fewer than fifty  
19 employees, to be selected and invited by the Speaker  
20 of the House of Representatives;  
21
- 22 (12) A representative from AARP Hawaii, to be invited by  
23 the chairperson of the working group;  
24
- 25 (13) A representative from the University of Hawaii  
26 Professional Assembly, to be invited by the  
27 chairperson of the working group;  
28
- 29 (14) A representative from Hawaii Children's Action Network  
30 Speaks!, to be invited by the chairperson of the  
31 working group;  
32
- 33 (15) A representative from a private insurance company  
34 offering Temporary Disability Insurance benefits in  
35 the State or an association of insurers, to be  
36 selected and invited by the Governor; and  
37
- 38 (16) Any other individual whom the chairperson of the  
39 working group deems necessary or to have relevant  
40 experience, knowledge, or expertise, to be selected  
41 and invited by the chairperson of the working group;  
42 and



1 BE IT FURTHER RESOLVED that the working group is requested  
2 to identify parameters for a paid family and medical leave  
3 program, including:

- 4
- 5 (1) A minimum duration of leave that meets the needs of  
6 the State's workers;
- 7
- 8 (2) A system of wage replacement;
- 9
- 10 (3) Coverage for a worker's serious illness, caring for a  
11 loved one with a serious illness, bonding with a new  
12 child, and needs arising from military deployment and  
13 the effects of domestic violence, stalking, and sexual  
14 assault;
- 15
- 16 (4) Coverage for all employees of employers who employ one  
17 or more employees, and a mechanism for the  
18 participation of the self-employed;
- 19
- 20 (5) A definition of "family" or "family member" for whom  
21 an individual may take leave for purposes of providing  
22 care that is at least as broad as the definition in  
23 chapter 398, Hawaii Revised Statutes, the existing  
24 Hawaii Family Leave Law; and
- 25
- 26 (6) Employment protections to ensure use of paid family  
27 and medical leave does not adversely impact  
28 employment; and
- 29

30 BE IT FURTHER RESOLVED that the working group is requested  
31 to utilize independent consultants and administrative  
32 facilitators that may be contracted by the Department of Labor  
33 and Industrial Relations, as needed, to:

- 34
- 35 (1) Support the working group in performing its duties,  
36 including but not limited to providing administrative  
37 facilitation and assisting with the working group's:
- 38
- 39 (A) Review of relevant federal and state laws,  
40 regulations, and programs;
- 41
- 42 (B) Comparative analyses;



- 1
- 2 (C) Development of recommendations on the parameters
- 3 of the paid family and medical leave program,
- 4 including compliance requirements, eligibility
- 5 criteria, and other program requirements;
- 6
- 7 (D) Development of recommendations on the Department
- 8 of Labor and Industrial Relations' staffing and
- 9 operating requirements; and
- 10
- 11 (F) Drafting of the report of its findings and
- 12 recommendations to the Legislature, including
- 13 drafting of the proposed legislation; and
- 14
- 15 (2) Assist the Department of Labor and Industrial
- 16 Relations in conducting the actuarial study as
- 17 requested in this resolution; and
- 18

19 BE IT FURTHER RESOLVED that the working group is requested  
20 to submit a report of its findings and recommendations,  
21 including any proposed legislation, to the Legislature no later  
22 than twenty days prior to the convening of the Regular Session  
23 of 2026; and

24

25 BE IT FURTHER RESOLVED that certified copies of this  
26 Concurrent Resolution be transmitted to the Governor, President  
27 of the Senate, Speaker of the House of Representatives, Chair of  
28 the Senate Standing Committee on Labor and Technology, Chair of  
29 the House of Representatives Standing Committee on Labor,  
30 Director of Labor and Industrial Relations, and Director of  
31 Human Resources Development.  
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