

MAR 07 2025

SENATE RESOLUTION

REQUESTING THE SENATE STANDING COMMITTEE ON LABOR AND TECHNOLOGY AND HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON LABOR TO CONVENE A LEGISLATIVE 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 the private sector employees under
4 federal law; and

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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

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

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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

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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
31 forty-eight million family caregivers in the United States, of
32 which sixty-one percent are working while juggling caregiving
33 responsibilities; and



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

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

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

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

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

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

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



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2 WHEREAS, as a result of the dual-generation care demands,
3 sandwich generation caregivers report higher levels of emotional
4 and financial strain; and

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6 WHEREAS, inequity in the existing socio-economic structure
7 and support infrastructure are also subjecting working women and
8 people of color to be unequally burdened by caregiving duties
9 and economic hardships due to caregiving; and

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11 WHEREAS, a paid family and medical leave program would
12 enable family caregivers to take a limited period of time off
13 from work to care of loved ones without fear of losing their
14 jobs or income; and

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16 WHEREAS, paid family and medical leave programs are
17 associated with improved outcomes in the earliest years of life
18 for individuals, including higher rates of breastfeeding and
19 immunization and lower rates of child abuse, domestic violence,
20 and financial instability; and

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22 WHEREAS, in the face of the current workforce shortage, a
23 paid family and medical leave programs would incentivize
24 individuals to join the labor market and improve employee
25 retention, filling gaps and saving employers long-term
26 recruitment and training costs; and

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28 WHEREAS, most small businesses in the State however, cannot
29 finance a privately-funded paid family and medical leave
30 insurance program that can provide benefits for all of their
31 employees; and

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33 WHEREAS, a state-administered paid family and medical leave
34 program would benefit the State's workforce while reducing the
35 financial burden for employers compared to a privately funded
36 alternative; now, therefore,

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38 BE IT RESOLVED by the Senate of the Thirty-third
39 Legislature of the State of Hawaii, Regular Session of 2025,
40 that the Senate Standing Committee on Labor and Technology and
41 House of Representatives Standing Committee on Labor are
42 requested to convene a legislative working group to develop



1 recommendations for establishing and implementing a paid family
2 and medical leave program for the State; and

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4 BE IT FURTHER RESOLVED that the working group is requested
5 to:

- 6
7 (1) Recommend parameters for a statewide paid family and
8 medical leave program that benefits both public and
9 private sector workers;
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11 (2) Review the impact of federal and state regulations on
12 the establishment of a paid family and medical leave
13 program;
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15 (3) Develop an implementation plan that outlines an
16 administrative framework for paid family and medical
17 leave, including departmental oversight, projected
18 costs, employer and employee contribution rates,
19 staffing needs, outreach to employers and employees,
20 and potential timelines for program enactment and the
21 initiation of benefits distribution; and
22
23 (4) Examine and address how the State's Temporary
24 Disability Insurance (TDI) program may interface with
25 or complement the paid family and medical leave
26 program, including the feasibility, cost-benefit
27 analysis, and a general roadmap for transitioning the
28 existing private TDI program to an expanded public
29 program that includes or complements paid family and
30 medical leave benefits; and

31
32 BE IT FURTHER RESOLVED that the working group is requested
33 to be composed of the following members:

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35 (1) The Director of Labor and Industrial Relations, or the
36 Director's designee, to serve as chairperson of the
37 working group;
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39 (2) The Chair of the House of Representatives Standing
40 Committee on Labor, or the Chair's designee;
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- 1 (3) The Chair of the Senate Standing Committee on Labor
2 and Technology, or the Chair's designee;
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- 4 (4) The Director of Human Resources Development;
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- 6 (5) A representative from the Hawaii State Teachers
7 Association, to be invited by the chairperson of the
8 working group;
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- 10 (6) A representative from the United Public Workers,
11 AFSCME Local 646, AFL-CIO, to be invited by the
12 chairperson of the working group;
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- 14 (7) A representative from the Hawaii Government Employees
15 Association, to be invited by the chairperson of the
16 working group;
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- 18 (8) A representative from Aloha United Way, to be invited
19 by the chairperson of the working group;
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- 21 (9) A representative from the American Association of
22 University Women of Hawaii, to be invited by the
23 chairperson of the working group;
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- 25 (10) A representative from an organization representing the
26 interests of businesses with fewer than fifty
27 employees, to be selected and invited by the Senate
28 President;
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- 30 (11) A representative from an organization representing the
31 interests of businesses with fewer than fifty
32 employees, to be selected and invited by the Speaker
33 of the House of Representatives;
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- 35 (12) A representative from AARP Hawaii, to be invited by
36 the chairperson of the working group;
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- 38 (13) A representative from Hawaii Children's Action Network
39 Speaks!, to be invited by the chairperson of the
40 working group; and
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1 (14) A representative from a private insurance company
2 offering Temporary Disability Insurance benefits in
3 the State or an association of insurers, to be
4 selected and invited by the Governor; and
5

6 BE IT FURTHER RESOLVED that the working group is requested
7 to identify parameters for a paid family and medical leave
8 program, including:
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10 (1) A minimum duration of leave that meets the needs of
11 the State's workers;
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13 (2) A system of wage replacement;
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15 (3) Coverage for a worker's serious illness, caring for a
16 loved one with a serious illness, bonding with a new
17 child, and needs arising from military deployment and
18 the effects of domestic violence, stalking, and sexual
19 assault;
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21 (4) Coverage for all employees of employers who employ
22 one or more employees, and a mechanism for the
23 participation of the self-employed;
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25 (5) A definition of "family" or "family member" for whom
26 an individual may take leave for purposes of providing
27 care that is at least as broad as the definition in
28 chapter 398, Hawaii Revised Statutes, the existing
29 Hawaii Family Leave Law; and
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31 (6) Employment protections to ensure use of paid family
32 and medical leave does not adversely impact
33 employment; and
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35 BE IT FURTHER RESOLVED that the working group is requested
36 to review independent studies, research, and other information
37 regarding paid family and medical leave; and
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39 BE IT FURTHER RESOLVED that the working group is requested
40 to utilize independent consultants and administrative
41 facilitators, including the Legislative Reference Bureau, as
42 needed to assist in the performance of its duties, including but



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1 not limited to the preparation of the report to the Legislature;
2 and

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4 BE IT FURTHER RESOLVED that the working group is requested
5 to submit a report of its findings and recommendations,
6 including any proposed legislation, to the Legislature no later
7 than twenty days prior to the convening of the Regular Session
8 of 2026; and

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10 BE IT FURTHER RESOLVED that certified copies of this
11 Resolution be transmitted to the Governor, President of the
12 Senate, Speaker of the House of Representatives, Chair of the
13 Senate Standing Committee on Labor and Technology, Chair of the
14 House of Representatives Standing Committee on Labor, Director
15 of the Legislative Reference Bureau, Director of Labor and
16 Industrial Relations, and Director of Human Resources
17 Development.

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OFFERED BY:

A handwritten signature in black ink, appearing to be "J. A. ...", written over a horizontal line.