

ACT 243

H.B. NO. 2520

A Bill for an Act Relating to Caregivers.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The joint legislative committee on family caregiving was created to develop a comprehensive public policy to strengthen support for family caregivers. The committee's mandate was expanded in 2007 to require the committee to explore the provision of wage replacement benefits to employees who need time off from work to care for a family member with a serious health condition.

In furtherance of this mandate, the committee held informational hearings on the subject and contracted with the University of Hawaii's school of social work to conduct a comprehensive assessment of the needs of care recipients aged 60 or older with physical or cognitive disabilities and the needs of their family caregivers. In addition to providing the demographics of care recipients and their family caregiv-

ers, researchers were asked to focus on the impact family caregiving has in general on employment to determine, among other things, whether the relationship warrants wage replacement benefits.

The preliminary results of the needs assessment substantiate the critical role that family caregiving has in Hawaii's health and long-term care system. According to the needs assessment, over 25 per cent of Hawaii's households contain at least one individual providing informal, unpaid care for an adult aged 60 or older with physical or cognitive disabilities. This percentage is expected only to increase. Projections indicate that by 2020, more than one in four individuals will be aged 60 or older, and an individual's need for personal care assistance due to physical, sensory, cognitive, and self-care disabilities increases with age.

The legislature finds that given the preliminary needs assessment data, wage replacement benefits are an appropriate and effective means of supporting family caregivers. The data indicates that the average age of family caregivers is 54 years old, well below the age of retirement. Over 55 per cent of the family caregivers are employed, and of these, over 26 per cent indicate that their employment is affected by their caregiving responsibilities. Reduction in work hours was an often-cited effect, followed by turning down promotions and taking leaves of absence. Nearly all of the family caregivers stated that they frequently rearrange their work schedules, and over 77 per cent take time off from work to deal with caregiving responsibilities. The most startling effect is that over 96 per cent of the unemployed family caregivers indicated that they retired to deal with family caregiving responsibilities.

Over the years, Hawaii has experienced a labor shortage that threatens to debilitate some areas of the economy. According to United States Census Bureau projections, one out of six workers in Hawaii is at least 55 years old and nearing retirement. With the current unemployment rate below three per cent, Hawaii employers need to do more than increase salaries to retain employees. More emphasis should be placed on accommodating employees' family needs in a way that encourages and enables employees to participate in the workforce.

When polled for the needs assessment, most family caregivers indicated that no family caregiving benefits were offered by their employers. Overwhelmingly, family caregivers are in favor of public policies that support family caregiving. Women are significantly more likely than men to support public policies, which closely reflects the estimate that over 73 per cent of family caregivers are women.

The current temporary disability insurance law provides an eligible employee with up to 26 weeks of temporary disability benefits if the employee suffers a qualifying disability that prevents the employee from working. Employers are responsible for providing temporary disability insurance coverage to eligible employees but may deduct and withhold contributions from each employee of one-half the cost of providing the coverage as long as the contributions do not exceed one-half per cent of the weekly wages earned by the employee.

The purpose of this Act is to require the joint legislative committee on aging in place to explore the provision of wage replacement benefits to employees who need to take time off from work to care for a family member with a serious health condition.

SECTION 2. (a) There is established a working group, as part of and reporting to the joint legislative committee on aging in place, which shall explore the provision of wage replacement benefits to employees who need time off from work to care for a family member with a serious health condition.

(b) The working group shall:

- (1) Explore funding mechanisms for a paid family leave program, including but not limited to income tax credits, temporary disability insurance benefits, and unemployment benefits;

- (2) Review the research findings of the joint legislative committee on family caregiving that was conducted during the 2007 legislative interim as it relates to a paid family leave program;
 - (3) Analyze the caregiver needs assessment to determine the factors affecting the well-being of employed family caregivers;
 - (4) Review the contents of House Bill No. 2520, House Draft 3¹, which was introduced during the regular session of 2008;
 - (5) Review paid family leave bills in California, Washington, and New Jersey;
 - (6) Consider drafting legislation for introduction in the regular session of 2009 that addresses wage replacement for caregivers of a family member with a serious health condition; and
 - (7) Inventory the eldercare policies and practices that currently exist in the workplace and the extent to which they exist.
- (c) The members of the working group shall include a representative of each of the following entities as appointed by the director, or the equivalent, of that entity:
- (1) Department of taxation;
 - (2) Department of labor and industrial relations;
 - (3) Department of human services;
 - (4) Department of health, executive office on aging;
 - (5) University of Hawaii, department of economics;
 - (6) National Federation of Independent Business;
 - (7) The Chamber of Commerce of Hawaii;
 - (8) Society for Human Resource Management;
 - (9) International Longshore & Warehouse Union Local 142;
 - (10) Hawaii Teamsters and Allied Workers;
 - (11) Policy advisory board for elder affairs;
 - (12) Hawaii Government Employees Association;
 - (13) Hawaii Family Caregiver Coalition;
 - (14) Kokua Council; and
 - (15) International Brotherhood of Electrical Workers.
- (d) The members of the working group shall designate a chair from among its members.
- (e) The working group shall serve without compensation and shall receive no reimbursements for expenses. After making its report to the joint legislative committee on aging in place, the working group shall cease to exist on June 30, 2009.
- (f) The department of labor and industrial relations shall provide administrative support for the working group. The legislative reference bureau shall provide legislative drafting services for the working group.
- (g) The joint legislative committee on aging in place shall report the findings and recommendations of the working group, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2009.

SECTION 3. This Act shall take effect upon its approval.

(Became law on July 8, 2008, without the Governor's signature, pursuant to Art. III, §16, State Constitution.)

Note

1. Act 243.