

A Bill for an Act Relating to Family Leave.

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

SECTION 1. The legislature finds that Hawaii's working families are not adequately supported during times of caregiving and illness. While the Federal Family and Medical Leave Act of 1993 allows twelve weeks of unpaid leave to employees who have worked at a business that employs fifty or more employees, the majority of Hawaii's workforce cannot afford to take unpaid leave to care for a child or an elderly family member with a serious health condition. Hawaii law offers only a modest four-week extension of unpaid leave and this applies only to Hawaii's few large employers with more than one hundred employees.

The legislature further finds that only eleven per cent of workers in the United States have access to paid family leave through their employers. Women, as primary caregivers of infants, children, and elderly parents, are affected disproportionately by the unavailability of paid family and medical leave. In Hawaii, 247,000 people serve as family caregivers. Hawaii has the fastest growing population of individuals over the age of sixty-five in the nation, and that number is expected to grow by eighty-one per cent by the year 2030. Of those who would benefit from paid family leave, nearly one-third would take those leave benefits to care for an ill spouse or elderly parent. In short, most workers, at some point, will need to take time off to care for an ill family member, but very few can afford it.

The purpose of this Act is to require the legislative reference bureau to conduct a sunrise analysis to impart the legislative intent that the State must understand the impacts of the establishment of a paid family leave program on industry, consumers, employees, employers, and care givers prior to choosing a model or framework that will work best for Hawaii's workforce. The intent of this measure is to lay the groundwork for the establishment of a paid family leave framework that will enable all employees to access leave benefits during times when they need to provide care for a family member.

SECTION 2. (a) By September 1, 2019, the legislative reference bureau shall conduct and complete a sunrise analysis to assist the legislature in determining the most appropriate framework or model for the establishment of paid family leave for the State and relative potential impacts and safeguard measures. The sunrise analysis shall include but not be limited to:

- (1) A comparative analysis of other state paid leave models, including a review of current temporary disability insurance usage and other state temporary disability insurance models. In the analysis of each model, the legislative reference bureau shall consider the following:
 - (A) Scope of coverage;
 - (B) Gender equity;
 - (C) Ease of making applications or claims;
 - (D) Speed of benefit payment;
 - (E) Financial sustainability;
 - (F) Administration;
 - (G) Data collection capabilities; and
 - (H) Compliance monitoring abilities;
- (2) Hawaii-based cost breakdowns by model on projected impacts to employers by size, impacts to employees, and estimated impacts on the cost of compliance as it relates to other employer mandates; and

- (3) Examination of options for compliance and enforcement of the proposed paid family leave program with recommendations for additional staffing and support for the department of labor and industrial relations to effectuate a program.
- (b) The legislative reference bureau shall submit a report of its findings and recommendations, including proposed legislation, to the legislature no later than September 1, 2019.
- (c) The legislative reference bureau shall be authorized to request and obtain any data from relevant state departments and agencies necessary to conduct the sunrise analysis.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$350,000 or so much thereof as may be necessary for fiscal year 2018-2019 for the legislative reference bureau to conduct the sunrise analysis pursuant to section 2 of this Act.

The sum appropriated shall be expended by the legislative reference bureau for the purposes of this Act.

SECTION 4. The legislative reference bureau may contract the services of a consultant with the funds appropriated in section 3 of this Act. The contracting of services under this Act shall be exempt from chapter 103D, Hawaii Revised Statutes.

SECTION 5. This Act shall take effect on July 1, 2018.

(Approved July 5, 2018.)