

Report of the
Work-Family Task Force
As convened by
Governor Linda Lingle
at the request of
Senate Concurrent Resolution 13
Regular Session of 2006
December 15, 2006

Work Family Task Force Report

I. Background

Juggling work and family is now a common task that families have to master if they are to assure that everyone is healthy, safe and nurtured. That challenging balancing act is sometimes achieved more easily by one family than another. The Work Family Task Force (Task Force) was convened by Governor Linda Lingle at the request of Senate Concurrent Resolution 13, Regular Session of 2006. S.C.R. 13, and is included as Appendix A. The resolution asked the Task Force to review the work-family laws and policies for Hawaii that contribute to the success or failure of families in addressing their needs and the cascading effect on business in Hawaii.

The Task Force held its initial meeting on November 9, 2006, and set a plan to facilitate the work in the short time frame the Task Force was facing. Task Force members are identified in Appendix B. A final meeting on December 6, 2006 provided an opportunity to review the issues and finalize this Report.

Recognizing that each family has different needs and capabilities, this survey of laws and policies in Hawaii does not attempt to determine what is best for each family, simply to see what is out there to select from, and what may be missing.

II. Review of Hawaii Work-Family Laws and Policies

HAWAII LAWS:

- **Family Leave: Hawaii Family Leave Law (HFLL) , Chapter 398, Hawaii Revised Statutes (HRS)** – Provides an employee up to four weeks of job-protected family leave for the birth or adoption of a child, or to care for a family member who has a serious health condition.
 - Comparatively, the federal Family and Medical Leave Act (FMLA) provides 12 weeks of protected leave. Usually HFLL and FMLA are taken concurrently, but where HFLL is broader than the FMLA, this may result in 16 weeks of protected leave for an employee. HFLL includes time off for care of a reciprocal beneficiary or grandparent that the FMLA does not include. HFLL applies only

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to businesses with 100 or more employees in Hawaii, while FMLA applies to those with 50 or more employees in Hawaii.

- **Dependent Care Income Tax Credit: Income Tax Law, Section 235-55.6, HRS** - Allows a credit from the individual's income tax for dependent care services to make it possible for that individual's gainful employment.
 - The amount is calculated as a percentage of income and is capped at \$2,400 for taxpayers with one qualified individual and \$4,800 with two qualifying individuals.
 - Expenses for dependent care includes the care of dependents under age 13, and dependents or a spouse who is physically or mentally incapable of caring for oneself.
- **Temporary Disability Wage Replacement, Chapter 392, HRS** - The purpose of the Temporary Disability Insurance (TDI) program recognizes that non-occupational sickness or injury can result in a serious loss of income and hardship on families. The partial wage replacement provided by TDI fills a gap in protection and benefits for workers who experience temporary sickness or injury that last longer than one week.¹
 - TDI includes coverage for pregnancy.
 - Workers receive wage replacement payments that vary from fifty-eight percent (58%) up to sixty-six and two thirds percent (66.67%) of average weekly wages.
- **Leave Sharing Program: Public Service, Section 78-26, HRS** - Under the State's Leave Sharing Program, an employee may be eligible to give and receive donated vacation credits within their department. The purpose of this program is to ease the burden of fellow departmental co-workers who would otherwise need to take time off from work without pay to recover from a serious personal illness/injury, or to care for a family member who has a serious personal illness/injury and is incapable of self care.
- **Parent-Teacher Leave: Public Service, Section 78-31, HRS** – Provides that State employees are eligible for up to two hours of paid leave (which includes travel time) during normal business hours to attend either:

¹ Section 392-1, Hawaii Revised Statutes.

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1. A mutually-scheduled parent-teacher conference for the employee's child attending a public or private school in grades kindergarten through twelve; or
2. A mutually-scheduled parent-caregiver conference for a preschool-aged child attending a licensed group child care center, as defined under Section 346-151, HRS,

to discuss the child's progress and development, provided the leave does not adversely interfere with the operations of the employee's work unit nor require the applicable agency to incur additional human resources or overtime costs. Employees are limited to no more than two mutually-scheduled conferences per child in a single calendar year when using the Parent-Teacher Conference Leave Program.

- **Bone Marrow Organ Donor Leave: Section 78-23.6, HRS** - Under the Bone Marrow Organ Donor Program, a State employee can receive up to seven (7) days of paid leave each calendar year to serve as a bone marrow donor, and up to thirty (30) days of paid leave each calendar year to serve as a living organ donor.

HAWAII POLICIES:

Hawaii is a special environment that recognizes the importance of *ohana* (family). Hawaii has been given a B+ rating in a State-by State Analysis of Parental Leave Programs. California was the only state in that study to receive a higher grade of A-.²

State of Hawaii policies:

The State of Hawaii, as one of the largest employers in the State, provides a favorable work-family environment offering the following family-friendly policies.

- **Family Leave:** State workers may use available paid vacation and/or sick leave for HFLL leave taken up to a maximum of four (4) weeks per designated 12-month period, extending the 10 paid days of sick leave authorized in the law.

² Jodi Grant, Taylor Hatcher and Nirali Patel, *Expecting Better: A State by State Analysis of Parental Leave Programs*, National Partnership for Women and Families, as printed from www.natinalpartnershp.org/portals/p3/librar/PaidLeave/ParentalLeaveReportMay05.pdf

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- **Flexible Work Hours** – State worksites are given the option to participate in the Flexible Working Hours Program. The State recognizes that flexible working hours can: Improve productivity and efficiency through improved employee working conditions and/or increased hours of operations; help ease peak morning and afternoon traffic congestion by spreading work arrival and departure times; and accommodate employees’ work and family needs by allowing them to participate in setting their work starting and ending times, where feasible.
- **Alternative Work Week** – State worksites have the option to participate in the Alternative Work Week that allows employees to work four (4) days for ten (10) hours a day, or four (4) days at nine (9) hours plus one (1) day at four (4) hours.
- **Job Sharing** – State worksites also have the option of job sharing a position. This program allows one position to be filled by two people. The job-sharing can be a very flexible alternative for those situations that require it.
- **Island Flex – Flexible Spending Accounts Plan** - An employee benefit program that provides employees with a way to pay for their eligible health care expenses and dependent care expenses with TAX FREE money. By directing “before tax” money from the employee’s paycheck into one or both of these accounts, they can put up to 41% of the money they are spending on eligible expenses back into their pocket. For many State employees, *Island Flex* is a great way to turn certain out-of-pocket medical, dental, drug, and vision expenses and dependent care expenses into tax savings and greater spendable income. This program accommodates the financial concerns of many families where both parents, or especially single parents, need to work to support the household and must find suitable arrangements for dependent care, whether it be a babysitter, pre-school, or after-school program.
- **Telecommuting** – Has been offered by the State in the past, but it currently has limited use in the Executive Department, Judiciary and Legislative Branch (Appendix C).
- **Child Care Centers** - Limited child care centers are offered in public employment. The University of Hawaii provides access on many of its campuses. A [child care center at Manoa](#), providing quality care for children 2-5 years of age, is available to faculty, staff and students. The cost is dependent on family size and income. Child care centers are also available on the campuses of Honolulu, Kapiolani, Leeward, Kauai, and Hawai'i

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Community Colleges. Eligible ages may vary by program, and costs are dependent on family size and income.

- **Child Care Subsidies** – There are a variety of subsidies available for low-income individuals through the Child Care Connections (supported by the Department of Human Services), Alu Like (children of native Hawaiian descent), and Pre-School Open Doors.

The Task Force conducted an informal survey of personnel offices in various state and county offices to determine how widely some of these policies were used. The result is shown in Appendix C.

Private Hawaii Employer Policies:

It is generally accepted that private employers offer all of the above State policies, although the Task Force was unable to make a detailed review of the 31,650 private employers in Hawaii. The Task Force was able to uncover additional anecdotal information regarding work family-friendly policies private businesses in Hawaii use to assist their employees.

- **Child care subsidies** – It is unknown how many companies offer this policy. One specific example located is First Hawaiian Bank who offers a ShareCare Program. This program enables employees to receive matching funds up to \$200 per month for licensed child/elderly care.

III. ISSUES RAISED BY THE TASK FORCE

The Task Force had meaningful discussions on a variety of issues. The following list of items is not in any priority, and are grouped according to topic.

Vulnerable Care

- When referring to the population of older individuals needing care, using the term “vulnerable” is more appropriate than the word “elder” because it more accurately describes the needs of that specific community being identified.

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- There is no comprehensive fact gathering regarding care facilities for vulnerable adults.

Small Business

- In 2005, there were 35,131 private employers statewide. Ninety-five per cent (95%) of those employers had less than 50 employees each. These small businesses employed 45%, or 223,943 of the total workforce of 501,437. Therefore, nearly half of private employers' employees were not subject to the protections of FMLA or HFLL.
- The concept that independent workers have more time and can accommodate the child/vulnerable care issues is not true. Unlike larger establishments, entrepreneurs have fewer resources to rely on when needed. These independent workers need a clearing house for affordable services available to meet the cost of living in Hawaii.

Child Care

- A comprehensive study completed in 2003 on The Self-Sufficiency Standard for Hawaii identified the cost of self-sufficiency in a variety of county locations throughout the State. In determining the costs associated with self-sufficiency child-care, it was found that 21% of income is required to meet basic needs.³
- The Department of Human Services projected that 41,983 children are potentially eligible for child care services. As of December 2002, 12,787 children were receiving services.⁴
- The University of Hawaii should offer a full child care degree, not simply a certification.
- There is little sick-child care services available in the community.
- Licensed child care facilities are regulated by the Department of Human Services' Child Care Connection Division. There are different licenses for different age groups: one for infant and toddler care (ages 6 weeks to 3 years), GCC (preschool 2 years to under 6 years), and before and after school care. The balance between child

³ Pearce, Ph.D, Diane. *The Self-Sufficiency Standard for Hawaii*, Hawaii State Commission on the Status of Women, April 2003, p. 14.

⁴ *Ibid.*, p. 25

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safety and providing an adequate number of care facilities can be examined to open up more licensed facilities.

- Last year, there were only 903 spots for infants and toddlers statewide and 6,200 children in need of care.⁵
- A population of poverty-level individuals exists who are potential employees, but are unable to work because they have little or no money for child care.
- People Attentive to Children (PATCH) provides a comprehensive website for child care information in Hawaii at www.patchhawaii.org.
- There are 31,151 child care slots including school age children in Hawaii as of January 2005.⁶
- There are many unlicensed babysitters and caregivers who are unsupported. The nature of their business does not require licensure, and they should be supported with low or no cost classes on care, similar to a Red Cross Certificate for a Certified Babysitter.

Telecommuting

- Increased use of telecommuting would relieve child care issues and some of the issues in Honolulu that compound work-family issues such as traffic.
- For State employees - allowing remote access to work servers would promote teleworking in the public arena.

Miscellaneous

- A work-family expert should be identified to be included on the Sloan Work and Family Research Network to keep Hawaii involved in national Work Family issues.
- For State civil service positions, processes for job sharing should be standardized to promote participation.

⁵ <http://the.honoluluadvertiser.com/article/2006/Dec/10/ln/FP612100356.html>

⁶

<http://www.patchhawaii.org/Community/Revised%202005%20Child%20Care%20in%20the%20State%20of%20HI.pdf> as viewed on December 13, 2006.

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IV. CONCLUSION

Many families struggle in Hawaii to make the pieces of the work-family puzzle fit together. There are already several laws that assist with those needs. Employers have recognized that in this tight market, proactively adopting family-friendly policies are required to keep their employees regularly at work. When family issues are handled, employees can be more productive and focused on the task at hand.

The Work Family Task Force believes it is important to preserve the choices that a family makes to fit their individual situation. Recognizing that what is best for one family may not be good for another, it is difficult to choose a specific legislative path to pursue. Each of the issues identified by the Task Force is a valid direction that can be taken to benefit working families in Hawaii.

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APPENDICES

A. Senate Concurrent Resolution 13

B. Task Force Members

C. Chart of State and County Use of Optional Work-Family Friendly Policies

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THE SENATE
TWENTY-THIRD LEGISLATURE, 2006
STATE OF HAWAII

JAN 27 2006

S.C.R. NO. 13

**SENATE CONCURRENT
RESOLUTION**

REQUESTING THE GOVERNOR TO CONVENE A WORK-FAMILY TASK FORCE TO
REVIEW HAWAII'S WORK-FAMILY LAWS AND POLICIES, AND
REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY OTHER
STATES' LAWS AND PRACTICES THAT PROMOTE GOOD WORK-FAMILY
POLICY.

1 WHEREAS, working families bear two important
2 responsibilities, often referred to as work-family issues, which
3 are caring for family members and earning the income needed to
4 support their families; and

5
6 WHEREAS, working families are headed by individuals of all
7 ages, requiring many different types of caregiving
8 responsibilities and preferences for employment; and

9
10 WHEREAS, working families with young children have patent
11 work-family challenges as they must provide for the care of
12 their children; and

13
14 WHEREAS, many working families have responsibilities for
15 family members with extraordinary needs, including children with
16 special needs, adults with disabilities, and dependent elders;
17 and

18
19 WHEREAS, presently, a growing number of working families
20 include single parent families, parents who share custody of
21 their children, and single individuals who help to care for
22 relatives and older adults; and

23
24 WHEREAS, conflicts over work-family issues will often enter
25 the workplace, becoming issues of concern to employers; and

26
27 WHEREAS, examples of work-family issues that manifest
28 themselves out of the workplace are employees who may miss work
29 when unable to make arrangements for unexpected or unusual
30 family needs or become preoccupied with work-family issues and
31 consequently are unable to focus on work; and

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1
2 WHEREAS, additionally, some employees who want or need to
3 work full-time may decide to cut back on work hours or
4 completely leave the workforce because they cannot meet the
5 demands of both caring for a family and working full-time; and
6

7 WHEREAS, many states, including Hawaii, have enacted a
8 multitude of laws which support state policies that seek to
9 assist families with work-family issues in order to develop a
10 sustainable and successful economy through workforce
11 development; and
12

13 WHEREAS, some of the issues addressed in these state
14 policies include the provision of child care and afterschool
15 programs, employer strategies for easing work-family tensions,
16 family and medical leave, flextime, and family care for older
17 relatives; and
18

19 WHEREAS, although programs and policies are in place within
20 the State to address work-family issues, the extent of the
21 success or failure of the implementation of these programs and
22 policies is unclear; now, therefore,
23

24 BE IT RESOLVED by the Senate of the Twenty-third
25 Legislature of the State of Hawaii, Regular Session of 2006, the
26 House of Representatives concurring, that the Governor is
27 requested to convene a Work-Family Task Force consisting of
28 representatives from the executive and judicial agencies,
29 community coalitions, and private entities that deal directly
30 with working families, to review Hawaii's work-family laws and
31 policies; and
32

33 BE IT FURTHER RESOLVED that the Legislative Reference
34 Bureau is requested to study other states' laws and practices
35 identified as promoting good work-family policy; and
36

37 BE IT FURTHER RESOLVED that the Legislative Reference
38 Bureau and the Work-Family Task Force are each requested to
39 submit a separate report of findings and recommendations,
40 including any proposed legislation, to the Legislature no later
41 than twenty days prior to the convening of the Regular Session
42 of 2007; and
43

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1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Governor and Acting
3 Director of the Legislative Reference Bureau.
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5
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OFFERED BY: Inzanne Chun Oakland
Carole Fulem
Quin L. L.
Yue Dehua
Naugh Hoon
Rosey de Bahr

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APPENDIX B

WORK FAMILY TASK FORCE MEMBERS

Name	Position/Organization
James Hardway	Assistant to the Director Department of Labor and Industrial Relations
Pamela Martin	Administrator, Wage Standards Division Department of Labor and Industrial Relations
Sheila Leas	Commissioner Hawaii State Commission on the Status of Women
Emily Awaya Leong	Executive Director The Cole Academy
Jasmine Mau-Mukai	Statewide Director Children's Justice Centers of Hawaii
Melissa Pavlicek	Hawaii State Director National Federation of Independent Business
Ruthann Quitiquit	Chief Executive Officer PACT - Parents and Children Together
Diane Stowell	Member Policy Advisory Board for Elder Affairs (PABEA)

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APPENDIX C

State and County Department/Agency Use of Optional Work-Family Policies

Dept/Agency	Flexible work Hours	Alternative Work Week	Job Sharing	Tele-commuting
Accounting and General Services	✓	✓		
Agriculture	✓	✓	✓*	
Budget & Finance	No info	No info	No info	No info
Business Economic Development and Tourism	✓			
Defense	✓			✓
Education	✓		✓***	Ad hoc
Hawaiian Home Lands	✓			
Health	✓	✓	✓****	✓*
Human Resources Development	✓	✓		
Human Services	✓	✓		
Labor and Industrial Relations	✓			✓*
Land and Natural Resources	✓	✓		✓*
Public Safety	✓			
Taxation	✓	✓*	✓*	✓*
Transportation	✓	✓		
Office of Hawaiian Affairs	✓			
Judiciary	✓	✓		
C&C Honolulu	✓	✓		
Hawaii County				
Kauai County	✓	✓	✓*	✓*
Maui County	✓	✓		✓

* Have used in the past, but no one currently.

** Certified employees, not civil service employees do job sharing, i.e. some teachers

*** Job is split, so the permanent employee keeps half-time, and a temporary half-time hire is obtained for the duration of the need.