
A BILL FOR AN ACT

RELATING TO EMPLOYMENT PRACTICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 378-32, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§378-32 Unlawful suspension, discharge, or**
4 **discrimination.** (a) It shall be unlawful for any employer to
5 suspend, discharge, or discriminate against any of the
6 employer's employees:

7 (1) Solely because the employer was summoned as a
8 garnishee in a cause where the employee is the debtor
9 or because the employee has filed a petition in
10 proceedings for a wage earner plan under Chapter XIII
11 of the Bankruptcy Act; or

12 (2) Solely because the employee has suffered a work injury
13 which arose out of and in the course of the employee's
14 employment with the employer and which is compensable
15 under chapter 386 unless the employee is no longer
16 capable of performing the employee's work as a result
17 of the work injury and the employer has no other
18 available work which the employee is capable of



1 performing. Any employee who is discharged because of
2 the work injury shall be given first preference of
3 reemployment by the employer in any position which the
4 employee is capable of performing and which becomes
5 available after the discharge and during the period
6 thereafter until the employee secures new employment.
7 This paragraph shall not apply to any employer in
8 whose employment there are less than three employees
9 at the time of the work injury or who is a party to a
10 collective bargaining agreement which prevents the
11 continued employment or reemployment of the injured
12 employee; or

13 (3) Because the employee testified or was subpoenaed to
14 testify in a proceeding under this part.

15 (b) It shall be an unlawful practice for any employer to
16 bar or discharge from employment, withhold pay from, or
17 otherwise discipline an employee because the employee uses
18 accrued and available sick leave, unless:

19 (1) Prior to taking such disciplinary action, the employer
20 finds that the employee's use of sick leave was not
21 legitimate or was in violation of the employer's sick
22 leave policy; or



1 (2) The employer's actions are in accordance with the
2 provisions of the employer's attendance policy."

3 SECTION 2. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun, before its effective date.

6 SECTION 3. New statutory material is underscored.

7 SECTION 4. This Act shall take effect on July 1, 2050.



SB 3021 502
HD1

Report Title:

Employment Practices; Sick Leave

Description:

Prohibits an employer from discharging or otherwise punishing an employee for the lawful use of the employee's accrued and available sick leave. Effective 7/1/2050. (SB3021 HD1)

SB3021 HD1 HMS 2006-2946

