
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~~] that is
15 compensable under chapter 386 unless the employee is
16 no longer capable of performing the employee's work as
17 a result of the work injury and the employer has no
18 other available work [~~which~~] that the employee is



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

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

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

20 (1) Prior to taking a disciplinary action against an
21 employee who used accrued and available sick leave,
22 the employer finds that the employee's use of sick



1 leave was not legitimate or was in violation of the
2 employer's sick leave policy; or
3 (2) The employer's actions are in accordance with the
4 provisions of a negotiated attendance policy."

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

8 SECTION 3. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

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

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 HD2)

