

Honolulu, Hawaii

April 7, 2006

RE: S.B. No. 3021  
S.D. 2  
H.D. 2

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Finance, to which was referred S.B. No. 3021, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES,"

begs leave to report as follows:

The purpose of this bill is to prohibit an employer from discharging, withholding pay from, or disciplining an employee for using accrued and available sick leave unless:

- (1) The employer finds that use of the leave is not legitimate or violates the employer's sick leave policy; or
- (2) The employer's actions are consistent with the employer's attendance policy.

The Hawaii State Teachers Association, ILWU Local 142, Hawaiian Electric Company, Inc., Hawaii Electric Light Company, Inc., and Maui Electric Company, Limited, testified in support of this bill. United Public Workers supported this measure with amendments. The Hawaii Business Roundtable, The Chamber of Commerce of Hawaii, Kauai Chamber of Commerce, National Federation of Independent Business, Retail Merchants of Hawaii, Society for Human Resource Management-Hawaii Chapter, Parents And Children Together, and Hawaii State AFL-CIO opposed this measure. The



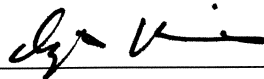
Department of Labor and Industrial Relations, Hawaii Bankers Association, and Hawaiian Telcom offered comments.

Your Committee has amended this bill by:

- (1) Clarifying that an employer may discipline an employee if the employer's actions are consistent with a negotiated attendance policy rather than the employer's attendance policy. Since at least one union has negotiated an attendance policy, this amendment would avoid preempting the collective bargaining process; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3021, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3021, S.D. 2, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Finance,



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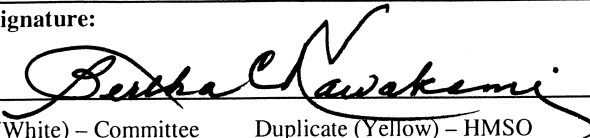
DWIGHT TAKAMINE, Chair



State of Hawaii  
House of Representatives  
The Twenty-third Legislature

HSCR 1631-06

Record of Votes of the Committee on Finance

Bill/Resolution No.: SB 3021 SD2, HD1		Date: 4.3.06		
Committee Referral: LAB, FIN		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
The recommendation is to: <input type="checkbox"/> Pass, unamended <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Recommit				
FIN Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKAMINE, Dwight Y. (C)	✓			
2. KAWAKAMI, Bertha C. (VC)	✓			
3. CARROLL, Mele	✓			
4. CHONG, Pono	✓			
5. EVANS, Cindy			✓	
6. LEE, Marilyn B.	✓			
7. MAGAOAY, Michael Y.	✓			
8. NAKASONE, Bob	✓			
9. NISHIMOTO, Scott Y.	✓			
10. TANAKA, Kameo	✓			
11. TSUJI, Clift	✓			
12. WAKAI, Glenn	✓			
13. YAMANE, Ryan I.	✓			
14. YAMASHITA, Kyle T.	✓			
15. MEYER, Colleen Rose			✓	
16. MOSES, Mark S.			✓	
17. PINE, Kymberly		✓		
18. STEVENS, Anne V.		✓		
TOTAL	13	2	3	
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – HMSO Duplicate (Pink) – Clerk's Office				