

STAND. COM. REP. NO.

2278

Honolulu, Hawaii

FEB 17

, 2006

RE: S.B. No. 2210

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Labor, to which was referred S.B. No. 2210
entitled:

"A BILL FOR AN ACT RELATING TO FAMILY LEAVE,"

begs leave to report as follows:

The purpose of this measure is to provide an employee with
the option of substituting accrued paid leave, including vacation,
personal, or family leave, for any part of the statutorily
mandated four-week family leave period.

Testimony in support of this measure was submitted by the
Hawaii State Teachers Association, the ILWU Local 142, the
International Association of Machinist Union-Local Lodge 1979, the
IBEW Local 1260, the IBEW Local 1357, the IBEW Local 1186, the
Hawaii State AFL-CIO, and one individual.

Testimony in opposition to this measure was submitted by the
Department of Human Resources Development. Comments on the
measure were also submitted by the Department of Labor and
Industrial Relations.

Your Committee finds that, under the current law, the
substitution of accrued paid leave for statutorily mandated family
leave is at the discretion of the employee or employer.
Regrettably, some employers are arbitrarily exhausting an
employee's accrued paid leave in substitution of leave that would
otherwise qualify as family leave. The resultant exhaustion of
accrued paid leave, such as vacation leave, compromises an
employee's ability to later take leave for a vacation or some

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other absence that would not qualify as family leave. Therefore, your Committee determines that the employee should have sole discretion in determining the manner in which to utilize the employee's accrued paid leave in the employee's best interest.

As affirmed by the record of votes of the members of your Committee on Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2210 and recommends that it pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

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



BRIAN KANNO, Chair



The Senate
Twenty-Third Legislature
State of Hawaii

Record of Votes of the
Committee on Labor
(Bills and Resolutions)

Measure:* SB 2210	Committee Referral: LBR, JHW	Date: 2-1-06		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (2312) <input type="checkbox"/> Pass, with amendments (2311) <input type="checkbox"/> Hold (2310) <input type="checkbox"/> Recommit (2313)				
Members	Ayes	Ayes(WR)	Nays	Excused
KANNO, Brian (C)	✓			
IHARA, Jr., Les (VC)	✓			
TANIGUCHI, Brian T.				✓
SLOM, Sam			✓	
TOTAL	2	0	1	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>[Handwritten Signature]</i>				
Distribution:	Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy

*Do not list more than one measure per Record of Votes.