

Honolulu, Hawaii

MAR - 2 2006

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

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

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred S.B. No. 3021, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to prohibit an employer or labor organization from discharging, withholding pay from, demoting, or otherwise disciplining an employee with a serious health condition who uses accrued and available sick leave in accordance with a valid collective bargaining agreement or valid employment policy.

This measure also:

- (1) Establishes procedures for an aggrieved employee to file a complaint against an employer in violation of the law;
- (2) Provides for penalties for an employer in violation of the law; and
- (3) Provides an aggrieved party the opportunity for judicial review of an order of the Department of Labor and Industrial Relations.

Your Committee received testimony in support of this measure from the ILWU Local 142, the Hawaii State AFL-CIO, the IBEW Local 1186, the IBEW Local 1357, the Hawaii State Teachers Association, and the United Public Workers. Testimony in opposition to this



measure was submitted by the Department of Labor and Industrial Relations, the Department of Human Resources Development, the Chamber of Commerce of Hawaii, the Society for Human Resource Management - Hawaii Chapter, ALTRES, Inc., Staffing Solutions of Hawaii, Retail Merchants of Hawaii, Meadow Gold Dairies, Hawaiian Telcom, Kauai Chamber of Commerce, Hawaiian Electric Company, Inc., Hawaii Electric Light Company, Inc., and Maui Electric Company, Limited.


Your Committee finds that although many employers offer their employees sick leave benefits, the ability of the employees to legitimately make use of their sick leave benefits may be hampered by employees feeling threatened if they take their sick leave which subjects them to discipline under an attendance policy. Current employment policies seem to unfairly penalize an employee who exercises the right to use accrued and available sick leave when the employee is ill or injured. The result of this type of policy can be that an employee is unjustly punished or otherwise prevented from further advancement.

Your Committee believes that an employee who abuses sick leave benefits and an employee who appropriately utilizes sick leave benefits, including by providing proof of illness or injury from a physician, should not be treated in the same manner.

Your Committee has amended this measure by changing the effective date to July 1, 2050.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3021, S.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.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Hawaiian Affairs,

  
COLLEEN HANABUSA, Chair



