

STAND. COM. REP. NO.

1192

Honolulu, Hawaii

APR 09 2009

RE: H.B. No. 332  
H.D. 2  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committees on Labor and Human Services, to which was referred H.B. No. 332, H.D. 2, entitled:

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

beg leave to report as follows:

The purpose of this measure is to establish eligibility for unemployment insurance for persons separated from employment as a result of domestic or sexual violence.

While the original purpose of this measure is important, your Committees find that as a result of the current economic recession, businesses in Hawaii are facing unprecedented challenges that will likely result in some companies being sold. To minimize detrimental effects to the State's economy and its citizens, steps must be taken now to promote seamless transfers with minimum disruption to business productivity and employment security. Accordingly, your Committees replaced the contents of this measure with new language establishing job security and other requirements upon the divestiture of a covered business establishment.

Testimony in support of the proposed draft was submitted by two organizations. Testimony in opposition to the proposed the proposed draft was submitted by one state agency and six organizations. Written testimony presented to the Committees may be reviewed on the Legislature's website.



As amended by your Committees, this measure:

- (1) Establishes worker retention requirements and consequences for violations of these requirements;
- (2) Clarifies when a successor employer may retain less than one hundred per cent of the former employer's incumbent employees;
- (3) Clarifies that the measure shall not be construed to abrogate an employer's right to manage the employer's employees; and
- (4) Has an effective date of July 1, 2050, to promote further discussion of this measure.

In response to express concern regarding potential unintended consequences of the proposed draft, your Committees note that the proposed draft does not amend the definition of "covered establishment" in section 394B-2, Hawaii Revised Statutes, thereby limiting the industrial, commercial, and other business entities subject to the requirements of this proposed draft to entities with fifty or more employees.

As affirmed by the records of votes of the members of your Committees on Labor and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 332, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 332, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committees on Labor and Human  
Services,

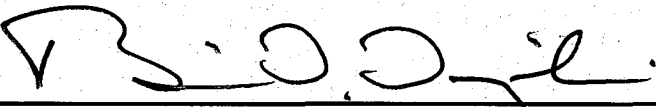
  
SUZANNE CHUN OAKLAND, Chair

  
DWIGHT Y. TAKAMINE, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

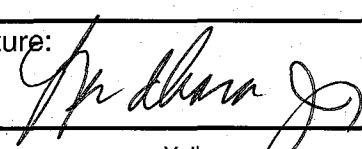
**Record of Votes**  
**Committee on Labor**  
**LBR**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 332 HD2	LBR/HMS	4/2/09		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TAKAMINE, Dwight Y. (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
BUNDA, Robert				✓
HEE, Clayton	✓			
SLOM, Sam				✓
<b>TOTAL</b>	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Human Services**  
**HMS**

Bill / Resolution No.:* <b>HB 332 HDZ</b>	Committee Referral: <b>LBK/HMS</b>	Date: <b>4/7/09</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
<b>Members</b>	<b>Aye</b>	<b>Aye (WR)</b>	<b>Nay</b>	<b>Excused</b>
CHUN OAKLAND, Suzanne (C)	✓			
IHARA, Jr., Les (VC)		✓		
GREEN, M.D., Josh	✓			
HEMMINGS, Fred				✓
<b>TOTAL</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

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