

STAND. COM. REP. NO.

40

Honolulu, Hawaii

Feb 5, 2009

RE: H.B. No. 479

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 479 entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYMENT,"

begs leave to report as follows:

The purpose of this bill is to determine the effectiveness of the expansion of the 60-day notification requirements of a closure or partial closure of businesses that were intended to strengthen protections for Hawaii's dislocated workers.

The Department of Labor and Industrial Relations (DLIR) and Retail Merchants of Hawaii testified in support of this bill. ILWU Local 142 testified in opposition to this measure.

Hawaii's Dislocated Workers Law protects employees who face termination from employment due to a sudden closure or partial closure of a business as a result of a sale, transfer, merger, or transaction of business interests by requiring the employer to provide 60-day notification of the closure or partial closure to employees and the Director of Labor and Industrial Relations. However, certain forms of business transactions, such as bankruptcies and divestitures, were not covered under this law. This required the enactment of Act 5, First Special Session Laws of Hawaii 2007 (Act 5), which in essence expanded the 60-day notification requirement to include additional forms of business transactions.

HB479 HD1 HSCR LAB HMS 2009-1664



While Act 5 was intended to help ameliorate the effects bankruptcies and divestitures would have on the lives of affected employees, your Committee notes that concerns were raised at the time of enactment that Act 5 could have an adverse effect on businesses, thereby inadvertently having a greater impact on employees. This measure will allow the Legislature to better understand the impact of Act 5 on both employees and employers.

Your Committee has amended this measure by:

- (1) Requiring that DLIR include recommendations to any problems it finds with Act 5, including any proposed legislation, in its report to the Legislature; 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 Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 479, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 479, H.D. 1, and be referred to the Committee on Economic Revitalization, Business, & Military Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Labor & Public
Employment,

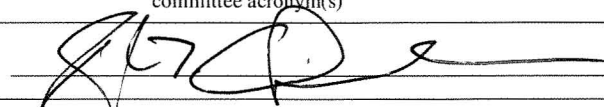


KARL RHOADS, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: HB 479	Committee Referral: LAB, EBM, FIN	Date: 1-30-09		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	/			
2. YAMASHITA, Kyle T. (VC)	/			
3. AQUINO, Henry J.C.	/			
4. AWANA, Karen Leinani	/			
5. HANOHANO, Faye P.	/			
6. KEITH-AGARAN, Gilbert S.C.	/			
7. LEE, Marilyn B.	-			
8. NAKASHIMA, Mark M.	/			
9. SAIKI, Scott K.	/			
10. SOUKI, Joseph M.				/
11. TAKUMI, Roy M.	-			
12. PINE, Kymberly Marcos	-			
TOTAL (12)	11	-	-	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				