

Honolulu, Hawaii

Feb 3, 2010

RE: H.B. No. 1687

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 1687 entitled:

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

begs leave to report as follows:

The purpose of this bill is to assist employed individuals who become ill or has a family member who becomes ill by, among other things:

- (1) Requiring certain employers to provide paid sick leave to their employees;
- (2) Stipulating when an employee can use paid sick leave and under what conditions an employee can use paid sick leave including allowing employees to take sick leave to care for an ill or injured family member;
- (3) Requiring employers to post information informing employees of their sick leave rights provided under this chapter;
- (4) Requiring employers to maintain sick leave records;
- (5) Prohibiting certain actions against an employee for the use of paid sick leave;



- (6) Establishing the Department of Labor and Industrial Relations (DLIR) as the implementing and enforcement agency for paid sick leave benefits;
- (7) Allowing for collective bargaining agreements that provide for paid sick leave benefits to supersede the sick leave requirements established under this new chapter; and
- (8) Stipulating that the paid sick leave requirements provided by this measure are minimum requirements and do not preclude more generous benefits from being provided.

The Hawaii State AFL-CIO testified in support of this bill. The ILWU Local 142 supported the intent of this measure. The Department of Human Resources Development, DLIR, Society for Human Resource Management-Hawaii Chapter, National Federation of Independent Business, and The Chamber of Commerce of Hawaii testified in opposition to this bill.

The provision of paid sick leave benefits can be a win-win situation for both employers and employees. Employees are being granted a benefit of taking an occasional leave of absence from work for an illness which reduces the financial stress an employee might otherwise face. In return, employers are fostering a positive relationship with their workforce and maintaining happy, healthy, and productive employees. Although many businesses currently offer sick leave benefits as a means of attracting a quality workforce, other businesses do not.

While your Committee notes that the provision of paid sick leave is a benefit and not an entitlement, the potential beneficial impacts this may have warrant further discussion of this issue.

Your Committee has amended this bill by:

- (1) Expanding the limitation placed on the accrual of sick leave benefits by employees of small businesses by specifying that a "small business" is an employer which employs fewer than 50 persons working for compensation during a given week rather than ten persons;
- (2) Changing its effective date to January 1, 2012, to encourage further discussion; and



- (3) 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. 1687, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1687, H.D. 1, and be referred to the Committee on Judiciary.

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



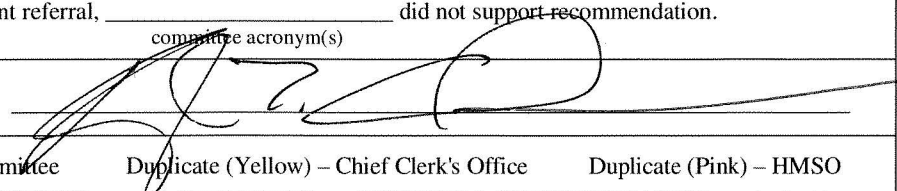
KARL RHOADS, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HSCR 84-10

Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: HB 1687	Committee Referral: LAB, JUD, FIN	Date: 2-2-2010		
<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.		<i>WR</i>	/	
11. TAKUMI, Roy M.	/			
12. PINE, Kymberly Marcos				/
TOTAL (12)	5	5	1	1
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) – Chief Clerk's Office Duplicate (Pink) – HMSO				