

Honolulu, Hawaii

Feb 3, 2010

RE: H.B. No. 2935
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. 2935 entitled:

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

begs leave to report as follows:

The purpose of this bill is to protect employees by making it an unlawful practice for an employer or labor organization to bar or discharge from employment, withhold pay from, or demote an employee because the employee uses accrued and available sick leave.

The State of Hawaii Organization of Police Officers; United Public Workers; Hawaii State AFL-CIO; International Brotherhood of Electrical Workers; International Brotherhood of Electrical Workers Local Union 1260; International Brotherhood of Electrical Workers Telephone Local Union 1357; International Longshore and Warehouse Union; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Hawaii Building and Construction Trades Council, AFL-CIO; Hawaii Laborers' Union; and many concerned individuals supported this bill. The Department of Labor and Industrial Relations, Department of Human Resources Development, Judiciary, Department of Human Resources of the City and County of Honolulu, Hawaiian Telcom, Society for Human Resource Management - Hawaii Chapter, National Federation of Independent Business, Hawaiian Electric Company, First Hawaiian Bank, The Chamber of Commerce of Hawaii, and Hawaii Credit Union League opposed this measure.



Programs such as the Workers' Compensation Program and Temporary Disability Insurance laws were enacted to afford certain protections for ill or injured workers. Your Committee notes, however, that no public policy exists to protect the use of sick leave for illnesses of a non-chronic and short-term nature.

While your Committee has been informed that employees have been disciplined, reprimanded, and suspended from employment for the legitimate use of sick leave, your Committee also recognizes that abuse does occur. It is not the intent of this bill to protect those who abuse an employer's sick leave policy but rather to protect legitimately ill employees who use accrued and available sick leave offered by their employers.

Accordingly, your Committee has amended this bill by clarifying that an employee must legitimately use accrued and available sick leave to be protected by the provisions of this bill.

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. 2935, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2935, 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



