

Honolulu, Hawaii
Feb 12, 2010

RE: H.B. No. 2935
H.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2935, H.D. 1, 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 legitimately uses accrued and available sick leave.

The Hawaii State AFL-CIO, International Brotherhood of Electrical Workers Local Union 1260, International Brotherhood of Electrical Workers Telephone Local Union 1357, ILWU Local 142, Hawaii Government Employees' Association, Hawaii Laborers' Union, and several concerned individuals testified in support of 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; Society for Human Resource Management-Hawaii Chapter; National Federation of Independent Business; Hawaiian Electric Company, Inc.; Hawaii Electric Light Company, Inc.; Maui Electric Company, Limited; The Chamber of Commerce of Hawaii, Hawaii Credit Union League, and Hawaiian Telcom opposed this measure.



Your Committee has amended this bill by:

- (1) Specifying that the legitimate use of accrued and available sick leave shall be:
 - (A) Limited to negotiated sick leave; and
 - (B) Used in accordance with the employer's attendant and negotiated sick leave policies, except for the abuse of sick leave;
- (2) Stipulating that this prohibition does not apply to instances where an employee is unable to fulfill the essential job functions or requirements of the employee's position because of the use of sick leave;
- (3) Changing the effective date to December 21, 2058, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2935, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 2935, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



JON RIKI KARAMATSU, Chair



