

Honolulu, Hawaii

March 11, 2010

RE: S.B. No. 2383

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 S.B. No. 2383 entitled:

"A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS,"

begs leave to report as follows:

The purpose of this bill is to protect dislocated workers by authorizing the Department of Labor and Industrial Relations (DLIR) to exercise enforcement powers against an employer in a covered establishment to require the employer to adhere to and comply with the notification and penalty provisions of section 394B-9, Hawaii Revised Statutes.

The ILWU Local 142 and Hawaii Government Employees Association testified in support of this bill. DLIR testified in opposition to this measure.

Your Committee notes that the 2007 Legislature amended the Dislocated Workers Act to include penalties against an employer for failure to provide notice in the event of a closing divestiture, partial closing, or relocation of a business. However, to enforce penalties, an aggrieved worker must file a claim in court, subjecting the worker to expense and delays that ultimately serve as a deterrent to seeking the penalties.



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 S.B. No. 2383 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

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

Karl Rhoads

KARL RHOADS, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HSCR 692-10

Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: SB2383	Committee Referral: LAB, JUD, FIN	Date: 3-9-10		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input 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)	10	—	—	2
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				