

Honolulu, Hawaii

APR 23 2010 , 2010

RE: S.B. No. 2883
S.D. 1
H.D. 2
C.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

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

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2883, S.D. 1, H.D. 2, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to promote fair employment practices 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.

This measure specifically applies to employers or labor organizations that have over 100 employees and have a collective bargaining agreement with their employees. This measure does not apply to cases where an employee is abusing sick leave benefits or is unable to fulfill his or her essential job functions or requirements.



Your Committee on Conference finds that employees who legitimately use accrued and available sick leave benefits should not be reprimanded by certain large employers or labor organizations that have a collective bargaining agreement in place with their employees, unless the employee is abusing their sick leave benefits. Your Committee on Conference also finds that certain large employers or labor organizations should not be prohibited from discharging or demoting an employee if the employee is unable to fulfill the essential job functions or requirements of their position.

Your Committee on Conference has amended this measure by changing the effective date to July 1, 2010.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2883, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2883, S.D. 1, H.D. 2, C.D. 1.

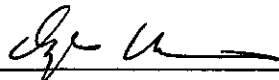
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



KARL RHOADS, Co-Chair



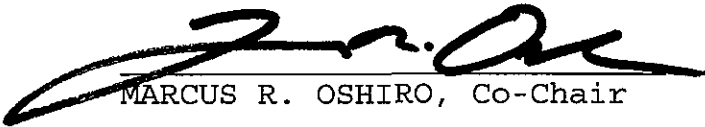
DWIGHT Y. TAKAMINE, Chair



JON RIKI KARAMATSU, Co-Chair



BRIAN T. TANIGUCHI, Co-Chair



MARCUS R. OSHIRO, Co-Chair



Hawaii State Legislature

106-10

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 2883, SD 1, HD 2	Date/Time: April 23, 2010 3:16 p.m
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The recommendation of the House and Senate managers is to pass with amendments (CD).

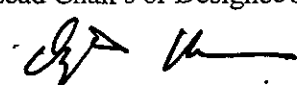

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
TAKAMINE, Dwight Y., Chr.	✓				RHOADS, Karl, Co-Chr.	✓			
TANIGUCHI, Brian T., Co-Chr.	✓				KARAMATSU, Jon Riki, Co-Chr.	✓			
NISHIHARA, Clarence K.				✓	OSHIRO, Marcus R., Co-Chr.				✓
					YAMASHITA, Kyle T.				✓
					PINE, Kymberly Marcos	✓			
TOTAL	2	0	0	1	TOTAL	3	0	0	2

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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