

Honolulu, Hawaii

April 1, 2010

RE: S.B. No. 2883  
S.D. 1  
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 S.B. No. 2883, S.D. 1, 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 International Brotherhood of Electrical Workers (IBEW), IBEW Local Union 1357; Hawaii State AFL-CIO; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; and ILWU Local 142 testified in support of this bill. The Department of Labor and Industrial Relations; Department of Human Resources Development; Office of Collective Bargaining; Judiciary; Department of Human Resources of the City and County of Honolulu; Society for Human Resource Management-Hawaii Chapter; The Chamber of Commerce of Hawaii; Hawaiian Telcom; National Federation of Independent Business; Hawaiian Electric Company, Inc.; Hawaii Electric Light Company, Inc.; Maui Electric Company, Limited; Young Brothers, Limited; and Hawaii Credit Union League opposed this measure. The General Contractors Association of Hawaii provided comments.



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) Limiting the provisions to employers who have:
  - (A) A collective bargaining agreement with their employees; and
  - (B) One hundred or more employees;and
- (4) Changing the effective date to July 1, 2020, to encourage further discussion.

Technical, nonsubstantive amendments were also made 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 S.B. No. 2883, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2883, S.D. 1, H.D. 2.



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

  
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JON RIKI KARAMATSU, Chair



