

STAND. COM. REP. NO.

2266

Honolulu, Hawaii

FEB 12 2010

RE: S.B. No. 2883
S.D. 1

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

Madam:

Your Committee on Labor, to which was referred S.B. No. 2883
entitled:

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

begs leave to report as follows:

The purpose of this measure is to make it an unlawful practice for any 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.

Testimony in support of this measure was submitted by five private organizations and three individuals. Testimony in opposition of this measure was submitted by two state agencies, one county agency, and six private organizations. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that eliminating the ability of employers to undermine sick leave benefits previously negotiated under collective bargaining with subpar house rules or policies is not fair or just to employees covered by a collective bargaining agreement. However, your Committee also finds that the measure as received by your Committee may be viewed as overly prescriptive to the point where it interferes with an employer's ability to effectively manage their workforce. In light of this concern, your Committee believes that requiring the terms of a collective



bargaining agreement to prevail in instances of conflict with an employer's rules or policies would be more equitable.

Your Committee has amended this measure by deleting the contents of this measure and replacing it with a new section concerning accrued and available sick leave benefits that is to be appropriately designated in chapter 392, Hawaii Revised Statutes.

As affirmed by the record of votes of the members of your Committee on Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2883, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2883, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

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



DWIGHT Y. TAKAMINE, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Labor
LBR

Bill / Resolution No.:* SB2883	Committee Referral: LBR, J60	Date: 2/9/10		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TAKAMINE, Dwight Y. (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
BUNDA, Robert	✓			
HEE, Clayton				✓
SLOM, Sam		✓		
TOTAL	3	1	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes