

LINDA LINGLE
GOVERNOR OF HAWAII



MARIE C. LADERTA
DIRECTOR

CINDY S. INOUE
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

February 1, 2010

TESTIMONY TO THE
HOUSE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT
For Hearing on Tuesday, February 2, 2010
9:00 a.m., Conference Room 309

BY

MARIE C. LADERTA
DIRECTOR

House Bill No. 2935
Relating to Employment Practices

(WRITTEN TESTIMONY ONLY)

CHAIRPERSON RHOADS AND MEMBERS THE COMMITTEE:

The purpose of H.B. No. 2935, 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.


The Department of Human Resources Development is **strongly opposed** to this bill to the extent it applies to public sector employees.

First, for the public employers, this bill involves a matter that is subject to collective bargaining and therefore should not be legislated. The current sick leave benefits agreed to between the public employers and the public employee unions were never intended to condone misuse by allowing an employee unrestricted absenteeism with the protection of never being held accountable for questionable or excessive absences.

Second, this bill is unnecessary since contractual and statutory protections are already available for employees who are legitimately ill or disabled. For example, public sector collective bargaining agreements provide a grievance process, which may culminate in binding arbitration, for issues pertaining to an employee's use of sick leave. In addition, the federal Family Medical Leave Act protects employees who use available sick leave for personal illnesses.

Thank you for the opportunity to testify in opposition to this bill.

Respectfully submitted,


for MARIE C. LADERTA

ERD

DEPARTMENT OF HUMAN RESOURCES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 10th Floor
HONOLULU, HAWAII 96813

MUFI HANNEMANN
MAYOR



NOEL T. ONO
ACTING DIRECTOR

February 1, 2010

The Honorable Karl Rhoads, Chair
and Members of the Committee on Labor
The House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

Subject: House Bill No. 2935
Relating to Employment Practices

The Department of Human Resources of the City & County of Honolulu **respectfully opposes** H.B. 2935, which seeks to make it unlawful for an 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.

The primary concern is that H.B. 2935 legislates an issue that is a subject of collective bargaining, and interferes with the City's ability to manage its employees and available resources. The public employer and each of the exclusive representatives have negotiated sick leave into their agreements, including the accrual and legitimate use of sick leave.

Thank you for the opportunity to testify.

Yours truly,

A handwritten signature in black ink, appearing to read "Noel T. Ono".

Noel T. Ono
Acting Director

Testimony In Support of
HB2935 RELATING TO EMPLOYMENT PRACTICES

By

Al Lardizabal,
Government Relations Director
Hawaii Laborers Union

To the House Committee on Labor
February 2, 2010
9:00 a.m. Rm. 309

Honorable Karl Rhoads, Chair; Honorable Kyle Yamashita, Vice Chair and Members of the Committee:

The Hawaii Laborers' Union fully supports the intent and purpose of HB2935 making it unlawful 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.

Thank you for the opportunity to submit this testimony.



To: House Committee on Labor & Public Employment

Hearing: February 2, 2010, 9:00 a.m.
Conference Room 309

Re: HB 2935, relating to employment practices

From: Society for Human Resource Management - Hawaii Chapter

The Society for Human Resource Management – Hawaii Chapter (“SHRM Hawaii”) represents more than 1,300 human resource professionals in the State of Hawaii. On behalf of our members, we would like to thank the Committee for giving us an opportunity to comment on HB 2935, relating to employment practices.

We are currently opposed to HB 2935.

HB 2935 makes 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.

SHRM Hawaii, like SHRM, the national organization of which it is an affiliate, believes that employers, not the government, are in the best position to address workplace needs and to know the benefit preferences of their employees which may include other types of leave policies. We are concerned that HB 2935 has the potential to conflict with other leave requirements and policies on the local, state and federal levels.

HR professionals have decades of experience in designing and implementing programs that work for both employers and employees. We’re eager to share this expertise with policymakers and welcome a positive dialogue on workplace flexibility policy, rather than a mandate.

Once again, thank you for this opportunity to provide you with this input.



Before the House Committee on Labor & Public Employment

DATE: Tuesday, February 2, 2010

TIME: 9:00 A.M.

PLACE: Conference Room 309

Re: HB 2935 Relating to Employment Practices

Testimony of Melissa Pavlicek for NFIB Hawaii

We are testifying on behalf of the National Federation of Independent Business (NFIB) in opposition to HB 2935, relating to employment practices.

HB 2935 makes 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.

NFIB believes government mandates take away small employers' and employees' freedom to negotiate the benefits package that best meets their mutual needs. While we do not oppose employees' legitimate use of accrued and available sick leave, small employers must have the ability to address an employee's violation of company policies or inappropriate use of sick leave when necessary.

NFIB is the nation's largest advocacy organization representing small and independent businesses in Washington, D.C. and all 50 state capitols, with more than 1,000 members in Hawaii and 600,000 members nationally. NFIB members are a diverse group consisting of high-tech manufacturers, retailers, farmers, professional service providers and many more.

We welcome the opportunity to engage with legislators on this and other issues during this session.

Testimony before the House Committee on Labor and Public Employment

H.B. No. 2935, Relating to Employment Practices

February 2, 2010

9:00 a.m.

Conference Room 309, State Capitol

By Faye Chiogioji, Manager
Hawaiian Electric Company

Chair Rhoads, Vice Chair Yamashita, and Members of the Committee:

I am Faye Chiogioji, Manager, Workforce Staffing and Development at Hawaiian Electric Company, Inc. I represent Hawaiian Electric Company, Inc. and its subsidiaries, Hawaii Electric Light Company, Inc. and Maui Electric Company, Limited (collectively "HECO") consisting of 2300 employees.

We respectfully oppose House Bill 2935.

This measure dictates an employer's policy regarding the use of sick leave benefits and is a disincentive for companies, like Hawaiian Electric Company, who voluntarily offer the benefit.

1. We recognize that we have a responsibility to provide reliable power and quality customer service both internally and externally, as well as have a responsibility to manage costs. To meet this level of expectation, we have established rules of conduct for all employees. These rules include an expectation of regular and punctual attendance, which is also an essential function of our jobs.
2. Our sick leave benefit makes sense for our business because utility specific skills and experience are difficult to replace. This benefit helps us to retain skilled, dedicated employees. Sick leave balances are not intended to be exhausted every year; however, for employees, it provides peace of mind should a serious illness or injury occur. Unrestricted use without adequate controls will negatively impact our operations.

Operational impacts include, but are not limited to, the following:

- Unscheduled overtime
- Delays, missed deadlines and cost overruns
- Delayed service restoration during power outages
- Dissatisfied customers
- Lowered morale among co-workers who have to carry the extra workload
- Safety concerns when employees are needed to work double shifts to cover those out on sick leave

Other business impacts include, but are not limited to, the following:

- Increased health care costs since the only measure to address misuse, abuse or excessive use is requiring physician certification
 - Increased administrative costs to manage the prescribed process and medical information.
3. The Federal Family and Medical Leave Act (FMLA) and Hawaii Family Leave Law already allow for the use of sick leave and provide job protection for qualifying absences and serious health conditions. To encourage personal responsibility and manage misuse, abuse or excessive use of sick leave benefits, employers typically apply attendance improvement programs or incentives for good attendance. It follows that the ability to take corrective action when employees abuse, misuse or excessively use such sick leave benefits, up to and including discharge of employment, should be an action vested in employers.
 4. HB2935 creates a “protective bubble” over all employees who use accrued and available sick leave, regardless of the circumstances, and irrespective of any past, documented improper use or abuse of such sick leave benefits. Such broad-scope protections pave the way for sick leave misuse and abuse and poor morale among conscientious co-workers.

This bill is not a solution for companies that want to provide a sick leave benefit to employees. Hawaiian Electric Company (and possibly other businesses) may have to reconsider the amount of sick leave benefit it provides or look to other paid time off alternatives.

We ask the Committee to hold House Bill 2935. Thank you for the opportunity to share our concerns with you.



Neal K. Okabayashi
Vice President & Attorney

Presentation to the House Committee on Labor & Public Employment

Monday, February 2, 2010, at 9:00 am., Room 309

Testimony for HB 2935 Relating to Employment Practices

TO: The Honorable Karl Rhoads, Chair
The Honorable Kyle T. Yamashita, Vice Chair
Members of the House Committee on Labor & Public Employment

My name is Neal Okabayashi of First Hawaiian Bank. We oppose HB 2935 because it hurts working people because when sick leave is treated as vacation time, a company must consider reducing sick leave benefits.

Under this bill, sick leave time is a vacation day which may be taken as a matter of right regardless of the health of the worker. Sick leave should be used when an employee is sick but not for other reasons. CareerBuilder.com reported that 1 in 4 workers consider sick leave to be vacation time. This bill would make sick leave vacation time which means that companies would be forced to reduce sick leave time or switch to a PTO system which often reduces both vacation and sick leave time. For those with a serious health problem, that is a negative.

This bill does not protect the ill worker. A worker who is ill or seriously ill will be able to document the illness and use available sick leave.

What this bill does is protect the worker who is not ill and wants to use sick leave as vacation time. It protects workers who abuse a company's sick leave; for example, the Friday-Monday sick leave syndrome.

What it unfortunately does is fail to protect the vast majority of hard working employees who benefit from a sick leave policy that can be used when genuinely ill. Thus, the goal of this bill, while it seems to be well-intended, has the opposite effect and thus, we submit that this bill should be held indefinitely.



HAWAII BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL-CIO
 GENTRY PACIFIC DESIGN CENTER, STE. 215A • 580 N. NIMITZ HIGHWAY, #50 • HONOLULU, HAWAII 96817
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NOLAN MORIWAKI

President
 Bricklayers & Ceramic Tile Setters
 Local 1 & Plasterers/Cement
 Masons Local 630

JOSEPH O'DONNELL

Vice President
 Iron Workers Local 625

DAMIEN T. K. KIM

Financial Secretary
 International Brotherhood of
 Electrical Workers Local 1188

ARTHUR TOLENTINO

Treasurer
 Sheet Metal Workers I.A. Local 293

REGINALD CASTANARES

Trustee
 Plumbers & Fitters Local 675

THADDEUS TOMEI

Elevator Constructors Local 126

MALCOLM K. AHLO

Carpet, Linoleum, & Soft Tile
 Local 1296

JOSEPH BAZEMORE

Drywall, Tapers, & Finishers
 Local 1944

RICHARD YAGGERE

Glaziers, Architectural Metal &
 Glaseworkers Local Union 1889

RONAN KOZUMA

Hawaii Teamsters & Allied
 Workers Local 996

GARY AYCOCK

Boilermakers, Ironship Builders
 Local 627

LYNN KINNEY

District Council 50
 Printers & Allied Trades
 Local 1791

KALANI MAHOE

Operating Engineers Local 3

PETER GANABAN

Laborers' International Union of North
 America Local 368

DOUGLAS FULP

International Association of
 Heat & Frost Insulators
 & Allied Workers Local 132

February 1, 2010

Honorable Representative Karl Rhoads, Chair
 Honorable Representative Kyle T. Yamashita, Vice Chair
 Members of the House Committee on Labor & Public Employment
 Hawaii State Capital
 415 South Beretania Street
 Honolulu, HI 96813

RE: **IN SUPPORT OF HB 2935**
 RELATING TO EMPLOYMENT PRACTICES.
 Hearing: Tues., Feb. 2nd, 2010, 9:00 a.m., Room 309

Dear Chair Rhoads, Vice Chair Yamashita and the House Committee on
 Labor & Public Employment:

For the Record my name is Buzz Hong, the Executive Director for
 the Hawaii Building & Construction Trades Council, AFL-CIO. Our
 Council is comprised of 16-construction unions and a membership
 of 25,000 statewide.

The Council SUPPORTS the passage of HB 2935 that makes 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.

Thank you for the opportunity to submit this testimony in support
 of HB 2935.

Sincerely,

W. Hong/dg

William "Buzz" Hong
 Executive Director

WBH/dg



George M. Waialeale
910 Kapahulu Avenue Suite #703
Honolulu, Hawaii 96816
Cell: (808) 383-0436
Email: geedubbyou@aol.com

February 2, 2010

The Twenty-Fifth Legislature
Regular Session 2010
State of Hawaii
House of Representatives
Committee on Labor and Public Employment

HB 2935 Relating to Employment Practices

HB 2935 makes it and 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.

As a former employee of Hawaiian Telcom for 39 years and former Business Manager of IBEW Local Union 1357 which represents the union members of Hawaiian Telcom I support passage of HB 2935.

In the last decade the telephone company has ramped up its administrative policy of a 2% guideline for sick leave. This means if you used more than 42 hours sick leave (2080hrs. x 2%= 41.6 hours) in a year there is a great possibility that you will receive a reprimand, suspension or be subject to termination.

This is with the company agreeing that employee's with more than six months of employment will have four weeks of sick leave (160 hours) after a three day waiting period and the sick leave will progressively expand with longer employment.

I believe with the passage of HB 2935 it will bring fairness to sick leave disability.

Your passage of this bill would be greatly appreciated.

George M. Waialeale



THE JUDICIARY, STATE OF HAWAII

Testimony to the House Committee on Labor & Public Employment

The Honorable Karl Rhoads, Chair

The Honorable Kyle T. Yamashita, Vice Chair

Tuesday, February 2, 2010, 9:00 a.m.
State Capitol, Conference Room 309

by

Sharen M. Tokura

Human Resources Director

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill 2935, Relating to Employment Practices

Purpose: Makes 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.

Judiciary's Position:

The Judiciary strongly opposes the passage of House Bill No. 2935, Relating to Employment Practices.

The proposed legislation is overly prescriptive and interferes with the employer's right to effectuate appropriate employment actions and manage and direct its workforce.

While the majority of employees utilize sick leave for the purpose that it was intended, i.e., to recover from illness or injury, there are a few employees who misuse sick leave. House Bill No. 2935, in its proposed form, would prohibit employers from taking appropriate action against this latter group of individuals. For example, it appears that the proposed language would prohibit an employer from taking employment action against an employee who called in sick and was later discovered surfing during the hours claimed to be disabled.

LATE



House Bill No. 2935, Relating to Employment Practices
House Committee on Labor & Public Employment
February 2, 2010
Page 2

House Bill No. 2935, in its proposed form, also appears to prohibit an employer from demoting or terminating an employee who utilized sick leave for a condition which resulted in medical disqualification for the employee's position. It would appear that, based solely on the employee having utilized sick leave, that the employer would have to indefinitely continue the employment of such employee who is determined to be medically unable to perform the duties of the position for which the employee was hired. The employer would be forced to either hire replacement employees, which may be highly improbable considering the economic condition of the state, or burden other staff with the employee's share of the work, which then in turn adversely affects public service. Moreover, House Bill No. 2935 would also prohibit the placement of such employee in a lower level position to which the employee could return to work.

Further, the Public Employer and at least one Public Employee Union have negotiated provisions for addressing misuse of sick leave, which include disciplinary actions for abuse of sick leave, up to and including discharge. House Bill No. 2935, in its proposed form, is in conflict with provisions negotiated under Chapter 89, HRS, and provides undue protection of employees who utilize sick leave for unintended purposes.

Based on the foregoing, the language in House Bill No. 2935, as proposed, is not acceptable and impacts the fundamental management decision-making process by interfering with the basic rights and obligations of public employers to responsibly manage operations. This bill provides unduly expansive protection to employees who misuse sick leave.

The Judiciary strongly opposes the passage of this bill, as the continued diminishment of management's rights is contrary to responsible and accountable management practice and sound public policy.

Thank you for the opportunity to provide testimony on House Bill No. 2935.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

LATE

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Executive Director

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The Twenty-Fifth Legislature, State of Hawaii
Hawaii State House of Representatives
Committee on Labor & Public Employment

Testimony by
Hawaii Government Employees Association
February 2, 2010

**H.B. 2935 – RELATING TO
EMPLOYMENT PRACTICES**

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the purpose and intent of H.B. 2935 which makes 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 legitimately uses accrued and available sick leave.

Thank you for the opportunity to testify in support of H.B. 2935.

Respectfully submitted,

Nora A. Nomura
Deputy Executive Director

LATE

The Twenty-Fifth Legislature
Regular Session of 2010

HOUSE OF REPRESENTATIVES
Committee on Labor and Public Employment
Rep. Karl Rhoads, Chair
Rep. Kyle T. Yamashita, Vice Chair

State Capitol, Conference Room 309
Tuesday, February 2, 2010; 9:00 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 2935
RELATING TO EMPLOYMENT PRACTICES**

The ILWU Local 142 strongly supports H.B. 2935, which makes 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.

H.B. 2935 addresses a practice among a growing number of employers to undermine sick leave provisions of collective bargaining agreements or employment policies by adopting "no-fault attendance policies" which penalize employees for absence from work irrespective of the reason for the absence. An employee could be absent for a legitimate illness and able to supply a valid medical certification of the illness yet be subject to disciplinary action due to the number of absences in a specified period.

By law, employers are required to provide temporary disability insurance or, in the alternative, sick leave that meets statutory requirements. By passing the TDI statute, lawmakers recognized that workers may become ill or injured from time to time and should not be penalized for taking sick leave that is provided as a benefit by the employer. Over the years, however, employers have used "no-fault attendance policies" to penalize even those who are absent for legitimate, verifiable illnesses. Such abusive practices should be prohibited.

Attendance policies implemented by employers are usually not subject to bargaining and are "no-fault." This means any absence, regardless of the nature, will count toward disciplinary action, which is progressively severe. In the case of the attendance policy attached to this testimony, four incidents in a 12-month period will result in a verbal warning, five will merit a written warning, six will result in suspension, and seven will mean discharge. An employee could have taken sick leave for legitimate illnesses and still be subject to this progressive discipline.

We do not believe such action is consistent with the intent of the TDI law. If an employee has a cold or the flu, an employer should want the employee to stay away from work, especially if the employee's job requires contact with guests, customers, and co-workers. However, a no-fault attendance policy serves as a disincentive for employees to use their accrued and available sick leave. Thus, no-fault attendance policies and sick leave/TDI policies would seem to be in conflict.

LATE

We can understand an employer's desire to curb abuse of sick leave. We can also understand an employer's desire to establish a "no-fault" policy to remove subjectivity from the process in determining what is "legitimate" illness and what is not. However, we strongly believe that use of sick leave or TDI for illnesses that do not rise to the level of FMLA protection should not be used to penalize an employee.

To address the issue of progressive discipline and waiting periods generally imposed by employers, we suggest that H.B. 2935 be amended to read: *"It shall be an unlawful practice for any employer or labor organization to bar, discipline or discharge from employment or to withhold pay, demote, or otherwise penalize an employee for use of accrued and available sick leave, including any waiting period, for a legitimate illness or injury, which may be verified by medical certification if required by the employer."*

The ILWU urges passage of H.B. 2935 with the amendment proposed. Thank you for considering our testimony.

Hapuna & Maunakea - from handbook

received the message. Do not depend on friends, relatives or fellow Team Members to report your absence for you.

In the event you are absent without notifying your Team Leader, you will be subject to disciplinary action up to, and including discharge. If you do not report to work for (3) three consecutive shifts without proper authorization, it will be considered that you have voluntarily resigned from your position with the Hotel.

Absences for more than one day must be reported daily unless other arrangements have been made with your Team Leader. When returning from an absence of three (3) or more days, you must notify your Team Leader of your anticipated return twenty-four (24) hours in advance of your normally scheduled shift.

Repeated tardiness and/or absenteeism, whether excused or unexcused, is grounds for disciplinary action up to and including discharge. You are responsible for being in place to start your shift as scheduled. Tardiness is unfair to other Team Members who have to cover for you and to do your share of the work. Excessive absences are a burden to the Hotel and to your co-workers; we need you on the job as scheduled.

Attendance Related Discipline

Absenteeism and tardiness will be monitored and Team Members with excessive absences and/or tardiness, whether excused or unexcused, are subject to being disciplined in the following manner:

Verbal Warning

Four (4) incidences within a given yearly period

Written Warning

Five (5) incidences within a given yearly period

Suspension

Six (6) incidences within a given yearly period

Discharge

Seven (7) incidences within a given yearly period

A "yearly" period is defined as the preceding twelve (12) calendar months, including the month in which the incident occurs.

There may be occasions when Team Members may have special mitigating circumstances that would justify making an exception to the application of the above noted disciplinary actions, however, any such exception should not be interpreted as a change in policy. Similarly, occasions may arise which may result in a deviation in the progressive disciplinary steps provided herein. Leave taken under the provisions of the Family Leave Act will not be considered in this process.

If you are off work due to illness or injury, it is expected that you would not be participating in any recreational or Hotel activities, without approval from the Hotel. It is expected that you will be recuperating from your illness or injury.

OTHER POLICIES AND PROCEDURES

No Solicitation/No Distribution

In order to maintain and promote efficient operations, an attractive appearance, discipline, and security, the Hotel has established rules which govern solicitations, distributions of written material, and entry onto the grounds.

All Team Members are expected to comply strictly with these Hotel rules. Failure to obey these rules may result in disciplinary action. Team Members who are in doubt concerning the application of these rules should consult with their Team Leaders or the Director of Human Resources.

a) Solicitation for any reason or cause, and distribution of any literature, are prohibited at all times in areas of the Hotel open to Hotel guests or public.

b) Team Members shall not solicit, sell or promote any cause or organization, nor distribute any literature to guests and/or patrons. Further, Team Members shall not solicit, sell or

FEB-01-2010 18:11
ILWU - HB 2935 (attachment)

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The Chamber of Commerce of Hawaii
The Voice of Business in Hawaii

LATE

**Testimony to the House Committee on Labor & Public Employment
Tuesday, February 2, 2010; 9:00 a.m.
Conference Room 309**

RE: HOUSE BILL NO. 2935 RELATING TO EMPLOYMENT PRACTICES

Chair Rhoads, Vice Chair Yamashita and Members of the Committee:

My name is Jim Tollefson and I am the President and CEO of The Chamber of Commerce of Hawaii ("The Chamber"). I am here to state The Chamber's opposition to House Bill No. 2935, relating to Employment Practices.

The Chamber is the largest business organization in Hawaii, representing more than 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

This measure prohibits employers from suspending, discharging, or discriminating against an employee for taking sick leave.

The Chamber of Commerce of Hawaii has held a longstanding position that sick leave is a benefit for employees, not an entitlement. Businesses generally offer this benefit to employees to create a healthy work environment and to foster a positive relationship with its employees. They understand that employees will require occasional leave from work due to a legitimate sickness.

However, creating a protection of the use of sick leave may force many businesses, especially small businesses, to reduce or eliminate voluntary sick leave. The implications of this measure could lead to a rise in the cost of doing business, an unstable work environment, and potential litigation, which will ultimately impact employees.

Secondly, we believe the proposed legislation is unnecessary because present law with existing safeguards provide appropriate safety nets such as the Family Medical Leave Act (FMLA) and the Hawaii Family Leave Act (HFLA) for employees, and balances the interests of the employer and employee.

For these reasons, The Chamber of Commerce of Hawaii respectfully requests that this measure be held.

Thank you for the opportunity to testify.

LATE



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Testimony to the House Committee on Labor and Public Employment
Tuesday, February 2, 2010 at 9:00 am

Testimony opposing HB 2935, Relating to Employment Practices

To: The Honorable Robert Herkes, Chair
The Honorable Glenn Wakai, Vice-Chair
Members of the Committee on Consumer Protection and Commerce

My name is Stefanie Sakamoto and I am testifying on behalf of the Hawaii Credit Union League, which represents approximately 810,000 credit union members across the state.

We are in opposition to HB 2935, Relating to Employment Practices. Our concern is that this legislation may work against the best interests of employees who do receive paid sick leave through their employers. In today's economic climate, it has become common practice to cut staffing and expenses "to the bone", thus, the survival of any business depends largely on its employees being on the job. If offering paid sick leave to their employees becomes overly burdensome to the employer, the employer might opt to do away with it altogether.

Thank you for the opportunity to testify.