



LATE

House of Representatives
The Twenty-Fifth Legislature
Regular Session of 2010

Committee on Labor & Public Employment

Rep. Karl Rhoads, Chair
Rep. Kyle T. Yamashita, Vice-Chair

DATE: Tuesday, February 2, 2010
TIME: 9:00 a.m.
PLACE: Conference Room 309

**TESTIMONY OF THE UNITED PUBLIC WORKERS, LOCAL 646, ON 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.

The UPW supports this measure. This issue has been before the Legislature for a number of years. Although it has yet to be codified into Hawaii's statutes, today's environment demands us to take a fresh look at this bill.

The current managerial policy to reprimand an employee for taking legitimate sick leave coerces employees to come to work when they are sick. The outcome of this policy flies in the face of the CDC's recommendation in response to the H1N1 epidemic: "If you get sick with flu-like symptoms this flu season, you should stay home and avoid contact with other people except to get medical care. People with influenza-like illness should remain at home until at least 24 hours after they are free of fever (100° F [37.8°C]), or signs of a fever without the use of fever-reducing medications."

In response to this edict, Oregon's Governor issued Executive Order Number 09-16, Implementing the State Response to Pandemic H1N1 Influenza, which advises employees "to remain at home while exhibiting flu-like symptoms."

HB 2935 is much more than righting an unjust management policy. Delaying passage of this measure will jeopardize our workplace environments and the health of our entire community. For this reason we urge the passage of this measure.

HEADQUARTERS - 1426 North School Street ♦ Honolulu, Hawaii 96817-1914 ♦ Phone: (808) 847-2631
HAWAII - 362 East Lanikaula Street ♦ Hilo, Hawaii 96720-4336 ♦ Phone: (808) 961-3424
KAUAI - 4211 Rice Street ♦ Lihue, Hawaii 96766-1325 ♦ Phone: (808) 245-2412
MAUI - 841 Kolu Street ♦ Wailuku, Hawaii 96793-1436 ♦ Phone: (808) 244-0815
1-866-454-4166 (Toll Free, Molokai/Lanai only)