

STAND. COM. REP. NO. 99

Honolulu, Hawaii

Feb 8, 2011

RE: H.B. No. 341
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committees on Labor & Public Employment and Economic Revitalization & Business, to which was referred H.B. No. 341 entitled:

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

beg leave to report as follows:

The purpose of this bill is to protect the rights of employees by making it an unlawful practice for any employer or labor organization to bar or discharge from employment, withhold pay from, or demote an employee solely because the employee uses accrued and available sick leave.

The Hawaii State AFL-CIO, Hawaii Laborers' Union, Democratic Party of Hawaii, The Mestizo Association, ILWU Local 142, International Brotherhood of Electrical Workers, International Brotherhood of Electrical Workers Local 1260, Hawaii Government Employees Association, and one individual testified in support of this bill. The Department of Labor and Industrial Relations supported the intent of this bill. The City and County of Honolulu Department of Human Resources, National Federation of Independent Business Hawaii, Hawaiian Electric Company, Inc., Hawaii Electric Light Company, Inc., Maui Electric Company, Limited, Hawaii Bankers Association, Hawaii Credit Union League, Society for Human Resource Management - Hawaii Chapter, The Chamber of Commerce of Hawaii, and Hawaiian Telcom testified in opposition to this measure.

HB341 HD1 HSCR LAB-ERB HMS 2011-1769




Your Committees find that employees are sometimes unfairly penalized for using accrued and available sick leave when they are legitimately ill. This measure allows employees to use their sick leave when there is a legitimate need without fear of reprisal, and will also allow employers the right to penalize those employees who abuse their sick leave.

Your Committees have amended this bill by:

- (1) Allowing employers and labor organizations to require a physician's verification indicating an employee was ill when sick leave was used; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Labor & Public Employment and Economic Revitalization & Business that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 341, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 341, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committees on Labor & Public
Employment and Economic
Revitalization & Business,



ANGUS L.K. MCKELVEY, Chair



KARL RHOADS, Chair



HSCR 99

Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: HB 341	Committee Referral: LAB/ERB, JUD, FIN	Date: 2/1/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	/			
2. YAMASHITA, Kyle T. (VC)	/			
3. AQUINO, Henry J.C.	/			
4. CULLEN, Ty	/			
5. ICHIYAMA, Linda	/			
6. LEE, Marilyn B.	/			
7. LUKE, Sylvia	/			
8. SAIKI, Scott K.	/			
9. SOUKI, Joseph M.				/
10. TAKUMI, Roy M.	/			
11. FONTAINE, George R.	/			
12. JOHANSON, Aaron Ling		/		
TOTAL (12)	10	1	—	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small style="margin-left: 100px;">committee acronym(s)</small>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				

Record of Votes of the Committee on Economic Revitalization & Business

Bill/Resolution No.: HB 341	Committee Referral: LAB/ERB, JUD, FIN	Date: 2/1/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
ERB Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)	✓			
2. CHOY, Isaac W. (VC)	✓			
3. AWANA, Karen L.	✓			
4. BROWER, Tom	✓			
5. EVANS, Cindy	✓			
6. HASHEM, Mark J.	✓			
7. NISHIMOTO, Scott Y.	✓			
8. TOKIOKA, James Kunane	✓			
9. TSUJI, Clift	✓			
10. MARUMOTO, Barbara C.		✓		
11. PINE, Kymberly Marcos	✓			
TOTAL (11)	10	1	0	0
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature:				
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