

STAND. COM. REP. NO.

587

Honolulu, Hawaii

Feb 18, 2011

RE: H.B. No. 341
H.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 341, 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 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. This bill also allows an employer or labor organization to require the employee to provide written verification from a physician indicating that the employee was ill when the sick leave was used.

The Hawaii State AFL-CIO, International Brotherhood of Electrical Workers, International Brotherhood of Electrical Workers Local 1260, International Brotherhood of Electrical Workers Local 1357, and International Longshore and Warehouse Union Local 142 testified in support of the bill. The Department of Labor and Industrial Relations (DLIR) supported the bill's intent and suggested amendments. The Hawaiian Electric Company, Hawaii Electric Light Company, Inc., Maui Electric Company, Ltd., General Contractors Association of Hawaii, Chamber of Commerce of Hawaii, First Hawaiian Bank, Hawaii Credit Union League, National Federation of Independent Businesses, and Hawaiian Telcom testified in opposition.

HB341 HD2 HSCR JUD HMS 2011-2434



The suggested amendments of DLIR and the concerns of the testifiers were given due consideration.

Your Committee finds that employers sometimes unfairly penalize employees who use accrued and available sick leave for legitimate illness. This measure balances the employee's need to use sick leave for a legitimate illness with the employer's need to prevent employees from abusing this benefit.

Your Committee has amended this bill by:

- (1) Modifying the circumstances under which an employer may require an employee to provide a doctor's note verifying the illness to those absences lasting three or more consecutive days;
- (2) Clarifying that it shall be 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; and
- (3) Changing its effective date to January 1, 2059, to allow for further discussion.

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 H.B. No. 341, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 341, H.D. 2.

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


GILBERT KEITH-AGARAN, Chair



