

STAND. COM. REP. NO. **1551**

Honolulu, Hawaii

April 8, 2011

RE: S.B. No. 1076
S.D. 1
H.D. 3

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

Sir:

Your Committee on Finance, to which was referred S.B. No. 1076, S.D. 1, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose of this bill is to provide employees with greater protection by making it unlawful, under specified conditions, 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, with certain exceptions.

The Department of Labor and Industrial Relations; Labor Caucus of the Democratic Party of Hawaii; United Public Workers, AFSCME, Local 646, AFL-CIO; International Brotherhood of Electrical Workers, International Brotherhood of Electrical Workers Local 1260; International Brotherhood of Electrical Workers Local Union 1357; Hawaii State AFL-CIO; ILWU Local 142; Pride At Work Hawaii; Plumbers and Fitters Union, Local 675; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; and many concerned individuals supported this bill. The Chamber of Commerce of Hawaii; National Federation of Independent Business; Society for Human Resource Management-Hawaii Chapter; Hawaiian Telcom; Hawaiian Electric Company, Inc.; Hawaii Electric Light Company, Inc.; Maui Electric Company, Limited; Finance Factors, Ltd.; and General Contractors Association of Hawaii

SB1076 HD3 HSCR FIN HMS 2011-3521



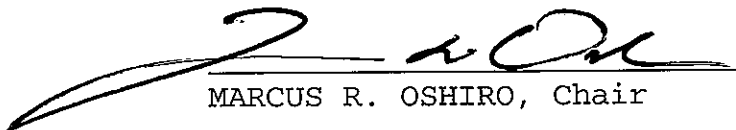
opposed this measure. The Hawaii State Teachers Association provided comments.

Your Committee has amended this bill by:

- (1) Removing provisions that permit employers and labor organizations to take adverse action against an employee if the employee is unable to fulfill the essential job functions or requirements of the employee's position;
- (2) Removing provisions that specify that in taking adverse action against an employee, the employer must comply with all federal, state, and county laws providing for protected leave; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1076, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1076, S.D. 1, H.D. 3.

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



MARCUS R. OSHIRO, Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

HSCR 1551

Record of Votes of the Committee on Finance

Bill/Resolution No.: <i>SB 1076, SD1, HD2</i>	Committee Referral: <i>LAB/ERB, JUD, FIN</i>	Date: <i>3/31/11</i>		
<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)				
FIN Members	Ayes	Ayes (WR)	Nays	Excused
1. OSHIRO, Marcus R. (C)	✓			
2. LEE, Marilyn B. (VC)	✓			
3. CHONG, Pono	✓			
4. CHOY, Isaac W.	✓			
5. COFFMAN, Denny	✓			
6. CULLEN, Ty	✓			
7. HAR, Sharon E.	✓			
8. HASHEM, Mark J.	✓			
9. ICHIIYAMA, Linda	✓			
10. JORDAN, Jo	✓			
11. LEE, Chris	✓			
12. MORIKAWA, Dee	✓			
13. TOKIOKA, James Kunane	✓			
14. YAMASHITA, Kyle T.	✓			
15. MARUMOTO, Barbara C.		✓		
16. RIVIERE, Gil	✓			
17. WARD, Gene	✓			
TOTAL (17)	<i>16</i>	<i>1</i>	<i>0</i>	<i>0</i>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <i>Marilyn B. Lee</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				