

STAND. COM. REP. NO. 1496

Honolulu, Hawaii

April 8, 2011

RE: S.B. No. 229
S.D. 1
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 S.B. No. 229, S.D. 1, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this bill is to protect victims of domestic abuse by, among other things:

- (1) Making it unlawful to discriminate against victims of domestic abuse in certain employment-related situations;
- (2) Requiring employers to provide reasonable accommodations in the workplace for employees who are victims of domestic abuse; provided that the reasonable accommodations do not cause undue hardship on the work operations of the employer; and
- (3) Allowing an employer making reasonable accommodations to request certain forms of verification from the employee to verify the employee's status as a victim of domestic abuse.

The Hawaii State Coalition Against Domestic Violence, American Civil Liberties Union of Hawaii, and a concerned individual testified in support of this measure. The Hawaii Civil

SB229 HD2 HSCR JUD HMS 2011-3663-A1



Rights Commission supported the intent of this bill. The Judiciary provided comments.

Your Committee has amended this measure by:

- (1) Amending these protections to apply to victims of domestic or sexual violence in conformity with current leave provisions in the Hawaii Revised Statutes (HRS);
- (2) Inserting the definition of "domestic or sexual violence victim" or "victim" in the definition section for part I of chapter 378, HRS, regarding discriminatory employment practices;
- (3) Adding that an employer may be guilty of discriminatory employment practices if the employer has actual knowledge of the employee's or prospective employee's status as a domestic or sexual violence victim;
- (4) Defining "undue hardship" concerning what reasonable accommodations employers must make for an employee who is a domestic or sexual violence victim;
- (5) Allowing an employee denied such reasonable accommodations by an employer to file a civil action;
- (6) Changing its effective date to January 1, 2012; and
- (7) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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 S.B. No. 229, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 229, S.D. 1, H.D. 2.



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


GILBERT KEITH-AGARAN, Chair



