



Local Union 1260

## **International Brotherhood of Electrical Workers**

2305 So. Beretania St. • Honolulu, Hawaii 96826-1494 • email: office@ibew1260.org

Telephone (808) 941-9445

Fax No. (808) 946-1260

**LANCE M. MIYAKE**  
Business Manager-Financial Secretary

**LOREN TAGUCHI**  
President

March 14, 2011

Representative Karl Rhoads  
Chair, House Committee on Labor and Public Employment  
The House of Representatives  
State of Hawaii

Dear Chair Rhoads:

RE: SB No. 1076, SD1

The IBEW Local 1260 request that the Committee on Labor and Public Employment would like S.B. No. 1076, SD1 to be amended to be identical to HB 341 HD4 and have the date changed to "effective upon approval" to the House of Representatives to support for the enactment of this bill. The Local Union with this testimony will expose how Hawaiian Electric Company, Inc. uses their Attendance Improvement Program (AIP) to intimidate and discipline their employees from using their sickness benefits.

The AIP is a Company policy that was not negotiated and it is only implemented on the union members of the Company. Since it only affects the union members, it is not only discriminatory but is unfair because it uses discipline to discourage use of a negotiated benefit.

Quoting the AIP, "For purpose of the AIP, 'absences' that are monitored include the following: sickness; unscheduled absences; unexcused absences; and tardiness." According to the AIP the definition for unexcused absence is "any unscheduled absence or tardiness from the defined work scheduled where appropriate notice is not provided and/or the supervisor does not approve the absence."

The Company has encouraged employees to use the FMLA for illnesses and/or injuries, so the occurrence will not count on the AIP. The purpose and reason for FMLA was if employees did not have vacation or sick benefits they could use FMLA to avoid being disciplined for the time away from work.

Under "Rights of Management," it states that the Company has the right to determine when an employee can take vacation or excused absence. The definition of excused absence is not clearly defined, but assuming that sick leave with physician's note is an excused absence, then how does the Company schedule the sick leave.

# **International Brotherhood of Electrical Workers**

Local 1260



Representative Karl Rhoads

-2-

March 14, 2011

The Corporate Health Administrator or Director, Corporate Health & Wellness (same person), whose qualifications has been questioned by the Local Union, has ruled on most of the AIP "Steps" that the Administrator or Director reviewed the employee did not have documentation to support the absence. The Administrator has also on numerous occasions, states that she has reviewed the documentation from employee and determined that the absence(s) does not qualify as serious, chronic, or FMLA-related. The Administrator, who has not establish her qualifications to the Local Union, is actually disputing the physician's note for the absence(s). How does she determine if an absence is FMLA-related, when the employee's physician needs to fill out Section 3 on the form?

The employee's record on sick leave for their career is not considered, the employee may have an excellent attendance record, but if that employee is experiencing a "bad" time in his career regarding being ill, injury, or both, that employee will receive discipline. The attachment will show that the Company has stated to employees that they will be held to the triggers of the AIP.

The AIP policy discourages use of sick leave and therefore there may be times when an employee will come to work sick. The Local Union has been trying to point out to the Company that prevention of pandemic outbreaks, is to stay home when you feel any type of symptoms associated with influenzas or colds because even if you take a test, the results takes awhile to come back. If a pandemic outbreak occurs because of policies like the AIP, where a child who is most vulnerable may suffer or possibly die, would be unforgivable.

The Local Union is not against any policy for abuse of sick leave or sick benefits, but since it is a negotiated benefit in the CBA, the Local Union would like to have collective bargaining involved in establishing such policies. It is not this Local Union's intention to hinder the Company in its operations, but the Company needs to establish that abuse has occurred. Please stop companies like Hawaiian Electric Company, Inc. from using policies like the AIP to circumvent sick benefits negotiated in collective bargaining agreements (CBA). Imagine what might be happening to employees who work for companies that don't have a CBA.

Sincerely,

Lance M. Miyake  
Business Manager – Financial Secretary

Attachment



HAWAIIAN ELECTRIC COMPANY, INC.

**A**TTENDANCE  
**I**MPROVEMENT  
**P**ROGRAM

Effective: April 2002

**PURPOSE & OBJECTIVE**

Employees are expected to maintain a reasonably healthy lifestyle as every employee's well-being contributes to a safe, efficient and productive workplace. In addition, a consistently dependable employee is critical to the health and well-being of other members of the team.

The Attendance Improvement Program (AIP) establishes definitive expectations of attendance and guidelines for fair and consistent management of attendance issues related to excessive as well as pattern absences. The purpose of the AIP is to ensure the following:

- employees report to work on time and on a regular basis;
- each job is completed as safely, effectively and efficiently as practical by those best qualified;
- disruptions to operations (resulting from unscheduled absences) are minimized;
- morale of all employees is maintained at a consistently high level; and
- the Company can compete in a competitive environment.

It is important to note that the AIP is not meant to be punitive, but rather, corrective. The objective is to establish a fair and equitable solution, sensitive to employees' ailments / needs, while modifying the behavior that is below expectations.

**RIGHTS OF MANAGEMENT**

The Company has the sole and exclusive right to determine when an employee can take vacation or excused absence. Supervisors are expected to appropriately approve or deny absences based on a determination of whether the absence is disruptive and / or unavoidable. An employee may be denied vacation if the absence is determined to be disruptive or the reason inadequate.

The Company recognizes that employees may have a "bad year" and, thus, administration of the AIP relies on supervisory judgment and management review as well as considering past history and patterns of absences.

**MONITORING & ADMINISTRATION**

Departments will manage the attendance of all its employees by:

- establishing attendance expectations for "frequency," "total hours" and "patterns";
- monitoring attendance relative to expectations; and
- taking actions as outlined in the AIP.

For purposes of the AIP, "absences" that are monitored include the following:

- sickness;
- unscheduled absences;
- unexcused absences; and
- tardiness.

Once problem attendance has been identified, the employee is placed in the AIP to help the employee better manage his / her attendance challenges by providing clear procedures and / or consequences for current and subsequent occurrences of absence.

**CORRECTIVE ACTION PROCESS**

The following process shall be used to promote improved attendance. Note that the timeframe for the next trigger begins on the date of the last occurrence.

**STEP I: COUNSELING****Trigger for Step I:**

- 4<sup>th</sup> occurrence within a twelve-month period, OR
- 48 hours within a twelve-month period; OR
- 2 or more pattern occurrences, such as where the absence(s) coincides with a day of leave, with or without pay, within a twelve-month period.

**STEP II: DOCUMENTED VERBAL WARNING****Trigger for Step II:**

- 2 occurrences within the next six-month period, OR
- 24 hours within the next six-month period.

**STEP III: WRITTEN WARNING****Trigger for Step III:**

- 2 occurrences within the next six-month period, OR
- 24 hours within the next six-month period.

**STEP IV: DECISION-MAKING LEAVE AND PERSONAL ACTION PLAN****Trigger for Step IV:**

- 2 occurrences within the next six-month period, OR
- 24 hours within the next six-month period.

**STEP V: TERMINATION****Trigger for Step V:**

- Next occurrence within the next six-month period.

**GETTING OFF THE PROGRAM**

An employee who does not meet the criteria for the next trigger is removed from the AIP.

**EMERGENCY LEAVES**

Emergency leaves are available only for compelling, urgent or unusual circumstances. The Supervisor or Superintendent **MUST** approve this type of unscheduled absence and the employee must provide a legitimate reason for the urgency or lack of notice. Generally, "personal reason" is not a sufficient explanation for emergency leaves. Typical examples include, but are not limited to the following types of requests:

- Addressing the safety of the employee, the health or well-being of the employee's family, or that qualifies under the FMLA;
- Transacting business which cannot be otherwise transacted before / after scheduled workdays or on days off;
- Where the situation was beyond the employee's control and other arrangements such as the swapping of shifts / work schedules could not be arranged.

**DOCTOR'S CERTIFICATE OF ILLNESS / INJURY**

A doctor's certification of illness or injury preventing an employee from performing his or her job responsibilities is required in the following situations:

1. absences of 3 or more consecutive days;
2. any absence where the employee has 4 or more separate absences within a 12 month period;
3. any absence where the employee is not at home when called on by a Company representative during the period that the employee is absent from work;
4. situations which may require a supervisor to ensure the employee's state of health does not represent a danger to themselves or fellow workers, or that the supervisor must determine whether an act of deception or dishonesty might have taken place. In any case, such a demand shall not be made arbitrarily.

Failure to provide valid certification as requested shall result in non-payment of sickness benefit. All medical records obtained in accordance with this policy shall be deemed confidential and shall be maintained by the Corporate Health Administrator.

Employees with chronic or serious illnesses / injuries, as certified by the treating physician, will be reviewed on a case-by-case basis by the Corporate Health Administrator and handled accordingly.

**FALSIFICATION & / OR ABUSE**

Any employee found to have falsified illness reports or otherwise abused the privileges of the sickness benefit plan will be dealt with in accordance with Company policies and the Collective Bargaining Agreement.

**TARDINESS**

Disruptive or habitual tardiness must be addressed and officially acted upon. Tardiness will not be tolerated and will be dealt with on a case-by-case basis using frequency, duration, and its effect on operation as a means of determining corrective action necessary.

**DEFINITION OF TERMS****Chronic or Serious Illnesses / Injuries**

A chronic or serious illness/injury is a life threatening or very serious condition which requires hospital care, ongoing outpatient follow-up, and is a situation where return to normal work may be detrimental to the patient's health or to other employee's health, or the patient is felt by his/her physician to be completely incapacitated to perform any of the duties of his/her job.

**Decision-making Leave**

The employee placed on a one (1) day paid administrative leave (not deducted from employee's leave account) and decide on returning with:

1. a decision to voluntarily resign, to be effective immediately; OR
2. a written Personal Action Plan stating:
  - the actions the employee will take to improve his/her absenteeism, and
  - that he/she understands the repercussions of the next "trigger," and
  - that he/she understands the timeframe for improvement.

*Note:* It is critical that the employee understand that the decision-making day is NOT a "day off." The employee is given a direct order to make a final decision while on the clock. Failure to do so ("I couldn't make up my mind" or "I decided not to decide") is insubordination – failure to follow a direct and legal order – and will result in disciplinary action, up to and including termination.

**Disruption**

An absence is defined as disruptive if it causes, but is not limited to, the following:

1. overtime
2. delays in normal schedule
3. delays completion of work within the expected timeframe.

**Excused Absences**

Excused absences are those in which appropriate notice (at least one day) is provided AND the supervisor approves the absence (e.g., vacation, excused absence with / without pay, etc).

**Pattern Absences**

Patterns of abuse include the following examples, but are not all-inclusive:

- unscheduled absences correlating with holidays, regular days off, and paydays
- absences which reflect a trend (i.e., Mondays and Fridays)
- frequent tardiness in reporting to work or reporting back to work during the course of the workday.

**Personal Action Plan (PAP)**

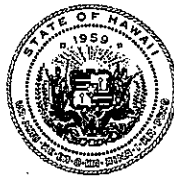
The Personal Action Plan is a mutual understanding between the supervisor / Company and the employee where goals, specific steps and measurements are identified to improve his / her attendance.

**Trigger**

A trigger is the point that initiates / prompts action. The timeframe for the next trigger begins on the date of the last occurrence.

**Unexcused Absences**

Unexcused absences are defined as any unscheduled absence or tardiness from the defined work schedule where appropriate notice is not provided and / or the supervisor does not approve the absence.



**STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

830 PUNCHBOWL STREET, ROOM 321  
HONOLULU, HAWAII 96813  
[www.hawaii.gov/labor](http://www.hawaii.gov/labor)  
Phone: (808) 586-8842 / Fax: (808) 586-9099  
Email: [dhir.director@hawaii.gov](mailto:dhir.director@hawaii.gov)

March 14, 2011

To: The Honorable Karl Rhoads, Chair  
The Honorable Angus L.K. McKelvey, Chair  
and Members of the House Committee on Labor & Public Employment  
and Members of the House Committee on Economic Revitalization & Business

Date: Tuesday, March 15, 2011  
Time: 10:00 a.m.  
Place: Conference Room 309, State Capitol

From: Dwight Y. Takamine, Director  
Department of Labor and Industrial Relations

**Re: S.B. No. 1076, H.D. 1 Relating to Employment Practices**

**I. OVERVIEW OF PROPOSED LEGISLATION**

S.B. 1076, H.D. 1 proposes to add a new protected class of workers under the Unlawful Suspension or Discharge Law, Chapter 378-Part III, by adding a new section making it unlawful for employers and labor organizations to bar, discharge from employment, withhold pay from, or demote an employee solely because an employee used accrued and available sick leave provided by the employer.

Applies only to employers who are part of a collective bargaining agreement and have 100 or more employees.

Allows discharge where employees can no longer do their job as assigned.

This law will take effect July 1, 2050.

**II. CURRENT LAW**

There is currently no provision in the law that requires employers to provide sick leave outside Temporary Disability Laws.



Chapter 378, HRS, Part III, prohibits employers from unlawfully suspending, discharging or discriminating against an employee for four things: 1) solely because the employer was summoned as a garnishee in an employee's proceedings under Chapter XIII of the Bankruptcy Act; 2) solely because the employee suffered a work injury that was compensable under the Workers Compensation Law, Chapter 386, HRS, 3) because the employee testified or was subpoenaed to testify in a proceeding under Part III, or 4) because an employee tested positive for the presence of drugs, alcohol, or the metabolites of drugs in a substance abuse on-site screening test conducted in accordance with section 329B-5.5.

### **III. SENATE BILL**

While the DLIR supports the intent of this measure, the following are some concerns:

1. This bill would afford limited protections provided by this Chapter against unlawful suspension or discrimination because:
  - a. It applies only to large employers who are signatories to a collective bargaining agreement; and
  - b. The burden of proving that the suspension, discharge or discrimination was "solely" due to the use of sick leave.
  - c.
2. It is unclear how the workload of the hearings branch of Wage Standards will be able to handle this additional responsibility with the limited resources currently in the Division.



**Testimony to the House Committees on Labor & Public Employment and  
Economic Revitalization and Business  
Tuesday, March 15, 2011  
10:00 a.m.  
State Capitol - Conference Room 309**

**RE: SENATE BILL NO. 1076 SD1 RELATING TO EMPLOYMENT PRACTICES**

Chairs Rhoads and McKelvey, Vice Chairs Yamashita and Choy, and members of the committees:

My name is Jim Tollefson and I am the President and CEO of The Chamber of Commerce of Hawaii ("The Chamber"). I am here to state The Chamber's opposition to Senate Bill No. 1076 SD1 SD1, relating to Employment Practices.

The Chamber is the largest business organization in Hawaii, representing more than 1,100 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

This measure 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 legitimately uses accrued and available sick leave. The bill is limited to employers with one hundred or more employees that are covered by a collective bargaining agreement. Exempts cases where an employee is unable to fulfill essential job functions or abuses the use of sick leave.

While we appreciate the previous committee's amendment to exclude less than a hundred employees, the Chamber still has concerns with this measure.

The Chamber of Commerce of Hawaii has held a longstanding position that sick leave is a benefit for employees. Businesses generally offer this benefit to employees to create a healthy work environment and to foster a positive relationship with its employees. They understand that employees will require occasional leave from work due to a legitimate sickness.

However, creating a protection of the use of sick leave may force many businesses to reduce or eliminate voluntary sick leave due to the potential abuse of this benefit that could result if the measure is passed. This will have the unintended consequence that will impact all employees. Furthermore, the implications of this measure could lead to a rise in the cost of doing business, an unstable work environment, and potential litigation. Also, the passage of this measure could lead to a "slippery slope."

Also, we believe the proposed legislation is unnecessary because present law with existing safeguards provide appropriate safety nets such as the Family Medical Leave Act (FMLA) and the Hawaii Family Leave Act (HFLA) for employees, and balances the interests of the employer and employee.

For these reasons, The Chamber of Commerce of Hawaii respectfully requests that this measure be held.

Thank you for the opportunity to provide testimony.

**SB 1076 SD1**

**RELATING TO EMPLOYMENT PRACTICES**

**HAWAIIAN TELCOM**

**March 15, 2011**

Chair Rhoads, Chair McKelvey and members of the House Labor and Economic Revitalization & Business Committees.

Hawaiian Telcom is opposed to SB 1076 SD1 - "RELATING TO EMPLOYMENT PRACTICES."

Hawaiian Telcom believes that this bill is unnecessary and therefore as a matter of public policy should not be a subject for legislative action. Hawaiian Telcom already provides a very generous package of employee sick leave, disability, and family leave benefits. For example, the current collective bargaining agreement provides for up to 52-weeks of company paid employee sick leave depending on the years of service.

It is widely acknowledged that the company is one of the few or maybe the only business in Hawaii that provides up to a whole year of paid sick leave. In addition to this negotiated employee benefit, Hawaiian Telcom fully complies with the Federal Family Medical Leave Act (up to 480-hours of leave a year) and the Hawaii Family Medical Leave Act (an additional 160-hours of leave a year).

Hawaiian Telcom is not mandated by law to provide additional sick leave benefits. It is a voluntary benefit that is provided as somewhat of an "insurance policy" for employees should they become sick to ensure they have the time and financial means to fully recuperate and recover before returning back to work. It

is inconceivable that the company should be expected to sanction sick leave abuse by allowing employees unrestricted absenteeism without the means to curb highly questionable or excessive absences. Condoning unrestricted absenteeism will severely hamper Hawaiian Telcom's ability to provide the same high level of telecommunication services that its customers expect and deserve.

In addition, HRS Chapter 269 requires Hawaiian Telcom to meet certain customer and service benchmarks or face administrative fines or other penalties. The company utilizes an attendance policy that is both fair to employees while recognizing that regular scheduled work attendance is essential in order to satisfy these mandated customer service quality requirements.

If issues arise involving Hawaiian Telcom's negotiated sick leave policy, the company believes that as a matter of public policy the proper venue for resolution is through the collective bargaining process and not by other avenues. The legislature in its wisdom established the collective bargaining process to allow parties to resolve employment issues without the need to legislate every dispute that arises. This bill attempts to undermine the integrity of this well established process by legislating the optional employer-provided benefit of sick leave. Sick leave is part of a negotiated contract between employer and employee and is best resolved through the collective bargaining process.

For all of the reasons set forth above, Hawaiian Telcom opposes SB 1076 SD1 and respectfully requests this measure be tabled this session.

Thank you for the opportunity to provide comments.

**Testimony before the House Committees on  
Labor & Public Employment and Economic Revitalization & Business**

**on  
S.B. 1076 SD1, Relating to Employment Practices**

**Tuesday, March 15, 2011  
10:00 a.m.  
Conference Room 309, State Capitol**

By Sherri-Ann Loo, Manager  
Hawaiian Electric Company

Chairs Rhoads and McKelvey, Vice Chairs Yamashita and Choy, and Members of the Committees:

I am Sherri-Ann Loo, Manager, Human Resources Programs and Strategies at Hawaiian Electric Company, Inc. I represent Hawaiian Electric Company, Inc. and its subsidiaries, Hawaii Electric Light Company, Inc. and Maui Electric Company, Limited (collectively "HECO") consisting of 2300 employees.

We respectfully oppose Senate Bill 1076 Senate Draft 1.

While we appreciate that Senate Draft 1 allows employers to retain the right to manage abuses of sick leave, we cannot support it because it is unnecessary and duplicative of current rights and laws. It also unfairly targets our utility as a company that must conform to this proposal even though we have not done anything to warrant this measure.

S.B. 1076 Senate Draft 1 is unnecessary and duplicative for the following reasons:

1. This bill is now applicable only to employers with collective bargaining agreements and with workforces of one hundred or more employees. Collective bargaining provides its own set of remedies, including the right to grieve and challenge disciplinary action, including that related to sick leave usage.
2. The Family and Medical Leave Act and Hawaii Family Leave Law allow for the use of sick leave and already provide protection for the employee for specific absences and conditions.
3. This bill also gives the State Department of Labor and Industrial Relations the authority to find an employer in violation of state law with regard to actions taken regarding granting or denial of sick leave under policies under a collective bargaining agreement. To the extent that the Labor Management Relations Act of 1947 applies, the bill may cause preemption of state law if such action requires interpretation of the meaning of the collective bargaining agreement.

4. All regular full-time employees of HECO have a benefit schedule of sick leave ranging from a minimum of 40 hours full pay after 6 months of service to a maximum of 384 hours full pay after 10 years of service. Employees with serious illnesses are allowed to draw upon a bank of unused sick leave. The intent of our benefit is to provide income security in the event of serious illness or injury. We hold employees accountable to report to work regularly. There will be a negative impact to productivity should all employees be allowed to use their full balance of sick leave with restricted controls in place to prevent the misuse of the system or avenues to address excessive absenteeism by employees with "a non-chronic condition of a short-term nature." HECO (and possibly other companies) would have to seriously reconsider the amount of sick leave benefit it provides.

We therefore ask the Committee to hold S.B. 1076 SD 1.

Thank you for the opportunity to share our concerns with you.

# IBEW

**International Brotherhood of Electrical Workers**

The House of Representatives  
Twenty-Sixth Legislature  
Regular Session of 2011

COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

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

COMMITTEE ON ECONOMIC REVITALIZATION & BUSINESS

Rep. Angus L.K. McKelvey, Chair  
Rep. Isaac W. Choy, Vice Chair

Hearing: Tuesday, March 15, 2011  
Time: 10:00 a.m.  
Place: Conference Room 309

**TESTIMONY OF THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL  
WORKERS (IBEW)**

**RE: SB 1076, SD1 RELATING TO EMPLOYMENT PRACTICES.**

SB 1076, SD1 would make it unlawful for any employer to discipline an employee because their employee legitimately uses accrued and available sick leave benefits.

**The IBEW strongly supports this measure.**



Today, all too often, many of Hawaii's employers are harassing, intimidating, suspending and even terminating employees who are legitimately ill for utilizing their accrued and available sick leave benefits under the guise of a "no fault attendance policy". It is ridiculous, immoral and unethical for an employer to offer sick leave benefits to employees and then turn around and discipline employees who are sick and attempt to utilize their sick leave.

Not only is this type of bait-and-switch behavior by employers ridiculous, immoral and unethical, it also poses a great danger and safety concern to the public for the spread of infectious viruses and disease (H1N1) when workers who are legitimately ill are forced to come to work because of fear of being disciplined under these type of unjust, inhumane, punitive policies.

Please understand that nothing in this bill encourages sick leave abuse or minimizes the employer's rights to guard against abuse. The employer still would have full authority and ability to discipline, to include termination, any employee who is found abusing their sick leave benefit.

This bill is about one thing.....Protecting Hawaii's legitimately ill employees from unscrupulous employers who seek to penalize them for being sick and utilizing their available benefit.

We ask for quick passage of SB 1076, SD1.

Thank you for the opportunity to provide testimony.

Harold J. Dias, Jr  
International Representative  
IBEW



**Before the House Committee on Labor & Public Employment and  
House Committee on Economic Revitalization & Business**

DATE: Tuesday, March 15, 2011

TIME: 10:00 a.m.

PLACE: Conference Room 309

**SB 1076 SD1: Relating to Employment Practices  
Testimony of Melissa Pavlicek for NFIB Hawaii**

Thank you for the opportunity to testify in opposition to SB 1076 SD1.

We recognize and appreciate the efforts of legislators to address small business concerns. This measure has the potential to negatively impact the ability of business owners to manage attendance policies necessary to run a small business and add to the cost of doing business.

The National Federation of Independent Business is the largest advocacy organization representing small and independent businesses in Washington, D.C., and all 50 state capitals. In Hawaii, NFIB represents more than 1,000 members. NFIB's purpose is to impact public policy at the state and federal level and be a key business resource for small and independent business in America. NFIB also provides timely information designed to help small businesses succeed.

Mahalo for your consideration.



Randy Perreira  
President

# HAWAII STATE AFL-CIO

320 Ward Avenue, Suite 209 • Honolulu, Hawaii 96814

Telephone: (808) 597-1441

Fax: (808) 593-2149

The Twenty-Sixth Legislature, State of Hawaii  
Hawaii State House of Representatives  
Committee on Labor and Public Employment  
&  
Committee on Economic Revitalization & Business

Testimony by  
Hawaii State AFL-CIO  
March 15, 2011

## S.B. 1076, SD1 – RELATING TO EMPLOYMENT PRACTICES

The Hawaii State AFL-CIO strongly supports S.B. 1076, SD1 which makes 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.

S.B. 1076, SD1 ensures that employees will stay at home when diagnosed with a contagious illness. A perfect example of such situations was the outbreak of the H1N1 virus a few years ago, where employees affected by the virus were instructed to stay away from work for a lengthy period of time to avoid infecting co-workers. Employees should not fear discipline or the chance of losing their job solely because they got sick. S.B. 1076, SD1 simply protects employees from being disciplined for taking legitimate sick leave.

Unfortunately, some employers do not exclude sick leave as part of its hours of absence. As a result, employees who use legitimate sick leave may be subject to various disciplinary actions. In one company, employees may be disciplined under company policy even though there is a collective bargaining agreement that provides for the use of legitimate sick leave. This practice is patently unfair.

In the case of *Auer v. Village of Westbury*, the New York Supreme Court, Appellate Division ruled in favor of an employee who had been suspended for thirty days for using his sick leave. The New York Supreme Court, Appellate Division proclaimed "the fact that the employee used all his available sick days under the collective bargaining agreement did not alone establish that he was abusing his sick leave and, thus, did not warrant a finding of misconduct." As a result, the Court nullified the penalty and finding of guilt and ordered the employer to repay the employee for the entire period he was suspended.

Employees who use legitimate sick leave should be protected under the law from abuse and discipline. Employees should not be fearful of getting sick and worried that if they take off from work they could be subjected to various forms of discipline including suspension or even termination.

S.B. 1076, SD1  
March 15, 2011  
Page 2

The Hawaii State AFL-CIO strongly urges the passage of S.B. 1076, SD1 with a few amendments. We respectfully request the Committees to amend S.B. 1076, SD1 to the language of HB 341, HD4 and change the effective date to 'effective upon approval.'

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Randy Ferreira', written over a circular scribble.

Randy Ferreira  
President



**HAWAII GOVERNMENT EMPLOYEES ASSOCIATION**

AFSCME Local 152, AFL-CIO

**RANDY PERREIRA**  
*Executive Director*  
Tel: 808.543.0011  
Fax: 808.528.0922

**NORA A. NOMURA**  
*Deputy Executive Director*  
Tel: 808.543.0003  
Fax: 808.528.0922

**DEREK M. MIZUNO**  
*Deputy Executive Director*  
Tel: 808.543.0055  
Fax: 808.523.6879

The Twenty-Sixth Legislature, State of Hawaii  
House of Representatives  
Committee on Labor & Public Employment

Testimony by  
Hawaii Government Employees Association  
March 15, 2011

S.B. 1076, S.D. 1 – RELATING TO  
EMPLOYMENT PRACTICES

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the purpose and intent of S.B. 1076, S.D. 1 which makes 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.

Thank you for the opportunity to testify in support of S.B. 1076, S.D. 1.

Respectfully submitted,

Nora A. Nomura  
Deputy Executive Director



To: House Committee on Labor & Public Employment  
House Committee on Economic Revitalization & Business

Hearing: Tuesday, March 15, 2011  
10:00 A.M.  
Conference Room 309

Re: SB1076 SD1: Relating to Employment Practices

From: Society for Human Resource Management - Hawaii Chapter

---

The Society for Human Resource Management – Hawaii Chapter (“SHRM Hawaii”) represents more than 1,300 human resource professionals in the State of Hawaii. On behalf of our members, we would like to thank the Committee for giving us an opportunity to comment on SB1076 SD1, relating to employment practices.

We are opposed to SB1076 SD1 which 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.

We are concerned SB1076 SD1 has the potential to conflict with other leave requirements and policies on the local, state and federal levels including, but not limited to the Hawaii Family Leave Law, the Family Medical Leave Act, the National Defense Authorization Act Amendments, the Americans with Disabilities Act, workers’ compensation and temporary disability insurance.

Moreover, we are concerned SB1076 SD1 will have the unintended consequence of employers seeking to implement a Paid Time Off policy rather than maintaining separate vacation and sick leave policies. Employees may lose the flexibility they currently have as employers will be more likely to impose and enforce strict requirements for use of sick leave such as requiring a doctor’s visit/note and/or that sick leave shall be used solely for the employee’s illness and not that of a family member such as a child.

SHRM Hawaii, like SHRM, the national organization of which it is an affiliate, believes that employers, not the government, are in the best position to address workplace needs and know the benefit preferences of their employees which may include other types of leave policies. HR professionals have decades of experience in designing and implementing programs that work for both employers and employees. We’re eager to share this expertise with policymakers and welcome a positive dialogue on workplace flexibility policy, rather than a mandate.

Once again, thank you for this opportunity to provide you with this input

1065 Ahua Street  
Honolulu, HI 96819  
Phone: 808-833-1681 FAX: 839-4167  
Email: [info@gcahawaii.org](mailto:info@gcahawaii.org)  
Website: [www.gcahawaii.org](http://www.gcahawaii.org)



**GCA of Hawaii**

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

March 15, 2011

TO: THE HONORABLE REPRESENTATIVE KARL RHOADS, CHAIR AND  
MEMBERS OF THE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

THE HONORABLE REPRESENTATIVE ANGUS L.K. McKELVEY, CHAIR  
AND MEMBERS OF THE COMMITTEE ON ECONOMIC  
REVITALIZATION & BUSINESS

SUBJECT: S.B. 1076, SD1 RELATING TO EMPLOYMENT PRACTICES.

NOTICE OF HEARING

DATE: Tuesday, March 15, 2011  
TIME: 10:00 a.m.  
PLACE: Conference Room 309

Dear Chairs Rhoads and McKelvey and Members of the Joint Committees:

The General Contractors Association (GCA), an organization comprised of over five hundred and seventy (570) general contractors, subcontractors, and construction related firms would like to make the following observation regarding S.B. 1076, SD1 Relating to Employment Practices.

The GCA believes that whenever there is any collective bargaining contract in force, the terms of the agreement should prevail. This bill should make clear that the provisions of Section 378-32 HRS as amended apply only to employees covered by the collective bargaining contract and not other employees such as management employees. All non-bargaining unit employees continue to be governed by any and all rules and policies adopted by the employer regarding sick leave and other employee benefits.

Thank you for the opportunity to comment on this measure.

yamashita2 ----Tannya

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 13, 2011 1:19 PM  
**To:** LABtestimony  
**Cc:** swartzg001@hawaii.rr.com  
**Subject:** Testimony for SB1076 on 3/15/2011 10:00:00 AM

Testimony for LAB/ERB 3/15/2011 10:00:00 AM SB1076

Conference room: 309  
Testifier position: support  
Testifier will be present: No  
Submitted by: gregory swartz  
Organization: Individual  
Address:  
Phone:  
E-mail: [swartzg001@hawaii.rr.com](mailto:swartzg001@hawaii.rr.com)  
Submitted on: 3/13/2011

\* \* \*  
Comments:  
This bill is seriously needed.



**yamashita2 ----Tannya**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 14, 2011 1:30 PM  
**To:** LABtestimony  
**Cc:** flo@upwhawaii.org  
**Subject:** Testimony for SB1076 on 3/15/2011 10:00:00 AM

Testimony for LAB/ERB 3/15/2011 10:00:00 AM SB1076

Conference room: 309  
Testifier position: support  
Testifier will be present: Yes  
Submitted by: Florence Kong Kee  
Organization: Individual  
Address:  
Phone:  
E-mail: [flo@upwhawaii.org](mailto:flo@upwhawaii.org)  
Submitted on: 3/14/2011

Comments:



LATE

1200 Ala Kapuna Street λ Honolulu, Hawaii 96819  
Tel: (808) 833-2711 λ Fax: (808) 839-7106 λ Web: www.hsta.org

**Wil Okabe**  
President

**Karolyn Mossman**  
Vice President

**Joan Kamila Lewis**  
Secretary-Treasurer

**Alvin Nagasako**  
Executive Director

**TESTIMONY BEFORE THE HOUSE COMMITTEES ON  
LABOR & PUBLIC EMPLOYMENT AND  
ECONOMIC REVITALIZATION & BUSINESS**

**RE: SB 1076, SD1 -- RELATING TO EMPLOYMENT PRACTICES.**

March 15, 2011

**WIL OKABE, PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION**

Chair Rhoads, Chair McKelvey, and Members of the Committees:

The Hawaii State Teachers Association supports the purpose and intent of SB 1076, SD1, that 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 legitimately uses accrued and available sick leave in accordance with the employer's attendant and negotiated sick leave policies, except for abuse of sick leave.

Thank you for the opportunity to testify.

LATE

The Twenty-Sixth Legislature  
Regular Session of 2011

HOUSE OF REPRESENTATIVES  
Committee on Labor and Public Employment  
Rep. Karl Rhoads, Chair  
Rep. Kyle T. Yamashita, Vice Chair

State Capitol, Conference Room 309  
Tuesday, March 15, 2011; 10:00 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 1076, SD1  
RELATING TO EMPLOYMENT PRACTICES**

The ILWU Local 142 supports S.B. 1076, SD1, which makes 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. Limits application only to employers with 100 or more employees covered by a collective bargaining agreement and exempts cases where an employee is unable to fulfill essential job functions or abuses sick leave.

S.B. 1076, SD1 addresses a practice among a growing number of employers to undermine sick leave provisions of collective bargaining agreements or employment policies by adopting "no-fault attendance policies" which penalize employees for absence from work irrespective of the reason for the absence. Under these "no-fault" policies, any absence or tardiness is considered an "incident" that can subject the employee to progressive discipline, up to and including discharge, even if some or all of the absences are due to legitimate, verifiable illness.

By law, employers are required to provide temporary disability insurance or, in the alternative, sick leave that meets statutory requirements. By passing the TDI statute, lawmakers recognized that workers will become ill or injured from time to time and should be entitled to benefits to allow them to stay away from work and recuperate during those periods of illness or incapacity. The law was not intended to allow employers to penalize employees for using TDI or sick leave benefits. However, over the years, with "no-fault attendance policies" in place, employees who exceed a specified threshold of total absences can ultimately be disciplined or discharged due to absence for a legitimate, verifiable illness.

Attendance policies are, in most cases, implemented unilaterally as "House Rules," are not subject to bargaining, and are considered "no-fault," although the implication is that it's always the worker's fault. This means any absence, regardless of the nature, will count toward the incident threshold. In one attendance policy, four incidents in a 12-month period will result in a verbal warning, five will merit a written warning, six will result in suspension, and seven will mean discharge. An employee could take sick leave for legitimate illnesses and still be subject to this progressive discipline.

We do not believe such action is consistent with the intent of the TDI law. If an employee has a cold or the flu, an employer should want the employee to stay away from work, especially if the employee's job requires contact with guests, customers, co-workers, or the handling of food. However, a no-fault attendance policy serves as a disincentive for employees to use their accrued and available sick leave. Thus, no-fault attendance policies and sick leave/TDI policies seem to be in conflict.

We also believe provisions of this bill should apply to all employers, not just those with 100 or more employees and a collective bargaining agreement. Employees with CBA's have certain protections built into their union contracts, like a grievance procedure and representation. Employees without CBA's are "at will" and subject to the policies imposed upon them by the employer. They, more than anyone, need protection of the law.

We also have concerns about how "abuse of sick leave" will be determined. The bill provides no language to define "abuse" and may need to rely on administrative rules to flesh out what constitutes abuse.

Despite these concerns, the ILWU urges passage of S.B. 1076, SD1. Thank you for considering our testimony.

## Testimony of Glenn Ida

Representing,  
The Plumbers and Fitters, Local 675

### **In Strong Support of SB1076, SD1**

Before the House:  
Committee on Labor and Public Employment and  
Committee on Economic Revitalization and Business

Tuesday Mar. 15, 2011  
10:00 AM, Conference Room 309

Aloha Chair Rhoads, Vice-Chair Yamashita Chair McKelvey,  
Vice-Chair Choy and Members,

My name is Glenn Ida; I represent the 1300 plus active members and about 600 retirees of the Plumbers and Fitters Union, Local 675.

Local 675, **Strongly Supports S.B. 1076, SD1**, which makes 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.

Employees should not fear discipline or the chance of losing their jobs solely because they got sick. S.B. 1076 protects employees from being disciplined for taking legitimate sick leave. Employees who use their accrued sick leave benefits should be protected under the law from abuse and discipline.

The Plumbers and Fitters Local 675, Strongly Supports, SB 1076, SD1.

Thank you for this opportunity to testify.

Glenn Ida  
808-295-1280



Scot F. Long  
Business Mgr. / Financial Sec.

**International Brotherhood of Electrical Workers**

Telephone Local Union 1357  
2305 S. Beretania Street #206 • Honolulu, Hawaii 96826  
Telephone (808) 941-7761 • Fax (808) 944-4239

LATE



Ted M. Furukado  
President

SB 1076

RELATING TO EMPLOYMENT PRACTICES

SCOT F. LONG

BUSINESS MANAGER / FINANCIAL SECRETARY

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

LOCAL UNION 1357

March 15, 2011

Chairman Rhoads and Members of the Labor and Public Employment  
Committee:

I am Scot Long, testifying on behalf of IBEW Local Union 1357 on SB 1076,

“A BILL TO ADDRESS THE TAKING OF LEGITIMATE SICK LEAVE”.

IBEW Local Union 1357 strongly supports this bill.

IBEW Local Union 1357 represents over 800 hourly employees at Hawaiian  
Telcom and throughout our tenure there many of our members have been

disciplined for taking legitimate, negotiated sick leave benefits. However, this is not a Hawaiian Telcom Bill, as other employers have been administering to a "2% no fault attendance policy" which is a trigger for disciplining employees for legitimate illnesses.

Now, schools require that children must stay home for a minimum of 3 days if they have any flu like symptoms and employers are telling employees not to come to work if they have a contagious illness (pink eye, H1N1, etc.).

But, if employers continue to discipline employees for using their sick leave benefits for legitimate illnesses then, out of fear, employees would go to work and possibly contaminate the work environment thus creating more problems. And so this Bill would support the employers' concerns.

Employers will say that this Bill is a license for abuse and may prey on the unsophisticated. IBEW Local Union 1357 prides itself on responsible behavior and there are provisions in our Collective Bargaining Agreement, as well as recourse under Federal Regulations, to address any abuse. No, this Bill is not a license for abuse, but just the opposite. This is a Bill to restore dignity and civility in the workplace.

The same compelling reasons that this body passed SB 2883 in 2010 that was then vetoed by the Governor, are still prevalent. We humbly ask for your support of SB 1076 and we thank you for the opportunity to testify. I have attached similar testimony from some of the employees of Hawaiian Telcom.

Mahalo!



To: The Twenty-Sixth Legislature 2011, State of Hawaii  
 From: Hourly Employees of Hawaiian Telcom  
 Subject: HB 341 HD4 and SB 1076 SD1 - Relating to Employment Practices

"I place my name and signature below to signify my full support of HB341 and SB1076 currently being heard and voted upon this legislative session. Our employer, Hawaiian Telcom, has an onerous 2% attendance policy which they use to intimidate and discipline us even if our illnesses are legitimate and we use our earned sick leave benefits. This bill will help to restore dignity and civility for the employees of Hawaiian Telcom here in our workplace. We humbly ask for your support and we thank you for the opportunity to submit our testimony."

	Print Name	Signature		Print Name	Signature
1	Albert Makanaui	<i>Albert Makanaui</i>	31		
2	Tarrella Martin	<i>Tarrella Martin</i>	32		
3	Tammy Ledano	<i>Tammy Ledano</i>	33		
4	Stephanie Ferreira	<i>Stephanie Ferreira</i>	34		
5	Marcos J. Nemuwani	<i>Marcos J. Nemuwani</i>	35		
6	MARVIN BARCARIO	<i>Marvin Barcario</i>	36		
7	ROSEMARIE ALB	<i>Rosemarie Alb</i>	37		
8	CAMELLIA M. SABATE	<i>Camellia M. Sabate</i>	38		
9	KEA MOTAS	<i>Kea Motas</i>	39		
10	Brandy Kimura	<i>Brandy Kimura</i>	40		
11	Abigail Lowe	<i>Abigail Lowe</i>	41		
12	KAREN SHI	<i>Karen Shi</i>	42		
13	Jerlyne Kato	<i>Jerlyne Kato</i>	43		
14	Elsie Cabadol	<i>Elsie Cabadol</i>	44		
15	Kim Angheta	<i>Kim Angheta</i>	45		
16	Kelly Tully	<i>Kelly Tully</i>	46		
17	Deborah Lem	<i>Deborah Lem</i>	47		
18	Dwayne Nakano	<i>Dwayne Nakano</i>	48		
19	Dickson T. Funa	<i>Dickson T. Funa</i>	49		
20	Yvette Barsonas	<i>Yvette Barsonas</i>	50		
21	Denise Ginoza	<i>Denise Ginoza</i>	51		
22	Yvette Aviles	<i>Yvette Aviles</i>	52		
23			53		
24			54		
25			55		
26			56		
27			57		
28			58		
29			59		
30			60		

To: The Twenty-Sixth Legislature 2011, State of Hawaii  
 From: Hourly Employees of Hawaiian Telcom  
 Subject: HB 341 HD4 and SB 1076 SD1 - Relating to Employment Practices

"I place my name and signature below to signify my full support of HB341 and SB1076 currently being heard and voted upon this legislative session. Our employer, Hawaiian Telcom, has an onerous 2% attendance policy which they use to intimidate and discipline us even if our illnesses are legitimate and we use our earned sick leave benefits. This bill will help to restore dignity and civility for the employees of Hawaiian Telcom here in our workplace. We humbly ask for your support and we thank you for the opportunity to submit our testimony."

Print Name	Signature	Print Name	Signature
1 Pua Fellezs	<i>Pua Fellezs</i>	31 Kahanani Glover	<i>Kahanani Glover</i>
2 Helencia Madarang	<i>Helencia Madarang</i>	32 Reima Nahulu	<i>Reima Nahulu</i>
3 Kevind Davara	<i>Kevind Davara</i>	33 <del>_____</del>	<i>Eileen no. y. Kojima</i>
4 WENDY SORAKUBO	<i>Wendy Sorakubo</i>	34 Ashley Remualdo	<i>Ashley Remualdo</i>
5 Sharon Aoki	<i>Sharon Aoki</i>	35 Jennifer Barrett	<i>Jennifer Barrett</i>
6 Rich Lane	<i>Rich Lane</i>	36 JAMIE COEN	<i>JAMIE COEN</i>
7 Kyle Matsumoto	<i>Kyle Matsumoto</i>	37 Sandy Baker	<i>SANDY BAKER</i>
8 <del>_____</del>	<i>[Signature]</i>	38 Diane Okada	<i>Diane Okada</i>
9 <del>_____</del>	<i>[Signature]</i>	39 Stacy Napoleon	<i>Stacy Napoleon</i>
10 Cheryl Solomona	<i>Cheryl Solomona</i>	40 Pamela Ahl	<i>Pamela Ahl</i>
11 Colette Nishimura	<i>Colette Nishimura</i>	41 ALANE VILLAMOR	<i>Alane Villamor</i>
12 DARRYN AHUNA	<i>Darryn Ahuna</i>	42 JUNE MACKAUA	<i>June Mackaua</i>
13 <del>_____</del>	<i>Carol Wee</i>	43 Melissa Oppenheimer	<i>Melissa Oppenheimer</i>
14 <del>_____</del>	<i>Patricia Tsumura</i>		
15 Jessielynn Aio	<i>Jessielynn Aio</i>	45	
16 GEMINA KAHA	<i>Gemina Kaha</i>	46	
17 Jeff chow	<i>Jeff chow</i>	47	
18 Cferriva	<i>Cferriva</i>	48	
19 Nancy Dela Cruz	<i>Nancy Dela Cruz</i>	49	
20 Debra Y.K. Wang	<i>Debra Y.K. Wang</i>	50	
21 Arven M. Biver	<i>Arven M. Biver</i>	51	
22 ERNEST ATO	<i>Ernest Ato</i>	52	
23 LEBON WOODS	<i>Lebon Woods</i>	53	
24 George CHANG	<i>George Chang</i>	54	
25 CHARLTON MATSUO	<i>Charlton Matsu</i>	55	
26 James Byner	<i>James Byner</i>	56	
27 <del>_____</del>	<i>[Signature]</i>	57	
28 Genevieve B. Mochina	<i>Genevieve B. Mochina</i>	58	
29 <del>_____</del>	<i>Donna Biver</i>	59	
30 <del>_____</del>	<i>David Wood</i>	60	

To: The Twenty-Sixth Legislature 2011, State of Hawaii  
 From: Hourly Employees of Hawaiian Telcom  
 Subject: HB 341 HD4 and SB 1076 SD1 - Relating to Employment Practices

"I place my name and signature below to signify my full support of HB341 and SB1076 currently being heard and voted upon this legislative session. Our employer, Hawaiian Telcom, has an onerous 2% attendance policy which they use to intimidate and discipline us even if our illnesses are legitimate and we use our earned sick leave benefits. This bill will help to restore dignity and civility for the employees of Hawaiian Telcom here in our workplace. We humbly ask for your support and we thank you for the opportunity to submit our testimony."

Print Name	Signature	Print Name	Signature
1 Mark M Fujii	[Signature]	BARBARA BURST	[Signature]
2 Eric Badue Fernandez	[Signature]	32 Cayn Nishimura	[Signature]
3 Cleo A. Antonia Castaneda	[Signature]	33 Pam Kameneko	[Signature]
4 Karen Sthenaire	[Signature]	34 Trey Takahashi	[Signature]
5 Malia Brown-Tremaine	[Signature]	35 Jacyl Shishido	[Signature]
6 JANELLE SHIBATA	[Signature]	36 Helena Kw	[Signature]
7 Doreen Pohara	[Signature]	37 [Signature]	[Signature]
8 April Matsuura	[Signature]	38 Dolores yaboua	[Signature]
9 Lucrene Jenks	[Signature]	39 Ursula KANON	[Signature]
10 Sharen Uyanen	[Signature]	40 Wendy Letoto	[Signature]
11 Sarah Nakagawa	[Signature]	41 Jan Ormond	[Signature]
12 Marjean Sanbe	[Signature]	42 Doreen Lam	[Signature]
13 MARSHA CHANG	[Signature]	43 Tracy T. Arata	[Signature]
14 Libby RIVER	[Signature]	44 Kenneth Paugua	[Signature]
15 GIOVANA SOYOTA	[Signature]	45 Kelvin R. Brown	[Signature]
16 KEVIN HIGA	[Signature]	46 Stanley Ferrer	[Signature]
17 Stephanie Hao-Dahl	[Signature]	47 Roslyn L. DAVIS	[Signature]
18 JOHN E. LEVESQUE	[Signature]	48 Sherisa Taylor	[Signature]
19 ALONSO NAK	[Signature]	49 Sherrie Matooka	[Signature]
20 JOAO RODRIGUES	[Signature]	50 Kiona James	[Signature]
21 Valerie Remus	[Signature]	51 Eileen J. Martinez	[Signature]
22 LEE KANEIWAHANA	[Signature]	52 JONATHAN AYRES	[Signature]
23 [Signature]	[Signature]	53 CHERYL SAKI	[Signature]
24 Danielle Teece	[Signature]	54 DIALONA TREMAINE	[Signature]
25 PATRICIA MILLS	[Signature]	55 JAVAZI MORMAN	[Signature]
26 MARY JO KAPAHU	[Signature]	56 ARREY SHERMAN	[Signature]
27 LOLA L. TANDRA	[Signature]	57 REYNA ANN CORPUZ	[Signature]
28 ELISIE M. BALGAS	[Signature]	58 SHANNICE MEDeiros	[Signature]
29 ROBIN JONES	[Signature]	59 TIANNA-SKI NELSON	[Signature]
30 FAITH NAVESCA	[Signature]	60 SHARON CASTILLO	[Signature]

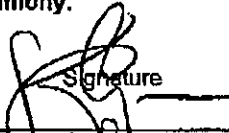


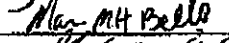

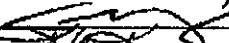


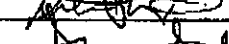
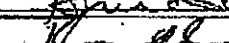

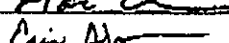
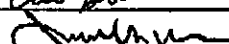
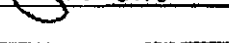
To: The Twenty-Sixth Legislature 2011, State of Hawaii  
 From: Hourly Employees of Hawaiian Telcom  
 Subject: HB 341 HD4 and SB 1076 SD1 - Relating to Employment Practices

"I place my name and signature below to signify my full support of HB341 and SB1076 currently being heard and voted upon this legislative session. Our employer, Hawaiian Telcom, has an onerous 2% attendance policy which they use to intimidate and discipline us even if our illnesses are legitimate and we use our earned sick leave benefits. This bill will help to restore dignity and civility for the employees of Hawaiian Telcom here in our workplace. We humbly ask for your support and we thank you for the opportunity to submit our testimony."

Print Name	Signature	Print Name	Signature
1 Ida-Macfarland	<i>[Signature]</i>		
2 JEFFREY TORO	<i>[Signature]</i>		
3 Ted Barabando	<i>[Signature]</i>		
4 Roger L. Salinas	<i>[Signature]</i>		
5 Paul Blaber	<i>[Signature]</i>		
6 Sharon Albrecht	<i>[Signature]</i>		
7 GENE HIRAKI	<i>[Signature]</i>		
8 GAIL TANNER	<i>[Signature]</i>		
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			

To: The Twenty-Sixth Legislature 2011, State of Hawaii  
From: Hourly Employees of Hawaiian Telcom  
Subject: HB 341 HD4 and SB 1076 SD1 - Relating to Employment Practices

"I place my name and signature below to signify my full support of HB341 and SB1076 currently being heard and voted upon this legislative session. Our employer, Hawaiian Telcom, has an onerous 2% attendance policy which they use to intimidate and discipline us even if our illnesses are legitimate and we use our earned sick leave benefits. This bill will help to restore dignity and civility for the employees of Hawaiian Telcom here in our workplace. We humbly ask for your support and we thank you for the opportunity to submit our testimony."

Print Name	Signature	Print Name	Signature
1 KEVIN MAHOMI		31	
2 Stanley Kaawaloa		32	
3 KEELY KONETANI		33	
4 MASON BELLO		34	
5 GORDON D. ROBLEY		35	
6 Francis Wilhoit		36	
7 KERRY KAHUNOHA		37	
8 JONATHAN PANG		38	
9 Dwight Matsumoto		39	
10 SHANE ISHII		40	
11 Keri O'Connell		41	
12 Marc Lewis		42	
13 Eric Anderson		43	
14 RONALD KELII JR		44	
15		45	
16		46	
17		47	
18		48	
19		49	
20		50	
21		51	
22		52	
23		53	
24		54	
25		55	
26		56	
27		57	
28		58	
29		59	
30		60	