

Honolulu, Hawaii

Feb 6, 2012

RE: H.B. No. 2089  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 2089 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to ensure that Hawaii's workers can address their own health and safety needs and the health and safety needs of their families by requiring employers to provide a minimum amount of paid sick and safe leave to employees to be used to care for themselves or a family member who is ill, needs medical care, or is a victim of domestic violence, sexual assault, or stalking.

The Hawaii Government Employees Association AFSCME, Local 152, AFL-CIO; Hawaii State AFL-CIO; National Partnership for Women & Families; 9 to 5, National Association of Working Women; Policy Advisory Board for Elder Affairs; Hawaii State Commission on the Status of Women; United Public Workers, AFSCME, Local 646, AFL-CIO; ILWU Local 142; Hawaii State Coalition Against Domestic Violence; and Hawaii Women's Coalition testified in support of this measure. The Department of Human Resources Development, Retail Merchants of Hawaii, The Chamber of Commerce of Hawaii, National Federation of Independent Business, and Society for Human Resource Management-Hawaii Chapter testified in opposition to this measure. The Department of the Attorney General and Department of Labor and Industrial Relations provided comments.

HB2089 HD1 HSCR LAB HMS 2012-1615



Vacation and sick leave benefits for employees vary from employer to employer. At times, working individuals must choose between caring for themselves or a family member during times of illness and losing income because the individual did not go to work. Providing sick leave benefits for employees to care for themselves or an ill family member gives workers an opportunity to regain their health and not be faced with additional stresses and anxieties when trying to care for a loved one. The provision of sick leave is also beneficial to an employer in that employees are able to return to full productivity at work sooner.

Your Committee has amended this bill by:

- (1) Placing the contents of this measure in a new statutory chapter instead of as a part of Hawaii's Family Leave Law;
- (2) Including non-civil service public employees under the provisions of this law;
- (3) Requiring the Director of Labor and Industrial Relations to only create and provide posters to employers explaining this new law in languages that the Department of Labor and Industrial Relations currently uses for publicly distributed materials;
- (4) Removing provisions allowing complaints to be filed directly with the Attorney General and instead allowing complaints to be filed directly with the Director of the Department of Labor and Industrial Relations; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2089, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2089, H.D. 1, and be referred to the Committee on Economic Revitalization & Business.



Respectfully submitted on  
behalf of the members of the  
Committee on Labor & Public  
Employment,



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KARL RHOADS, Chair



State of Hawaii  
House of Representatives  
The Twenty-sixth Legislature

HSCR 91-12

**Record of Votes of the Committee on Labor & Public Employment**

Bill/Resolution No.: <b>HD 2009</b>	Committee Referral: <b>LAB, ERD, FIN</b>	Date: <b>1-31-12</b>		
<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"/> <del>Pass, with amendments (HD)</del> <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. OKAMURA, Tom				/
9. SAIKI, Scott K.		/		
10. SOUKI, Joseph M.		/		
11. TAKUMI, Roy M.	/			
12. FONTAINE, George R.		/		
13. JOHANSON, Aaron Ling		/		
<b>TOTAL (13)</b>	<b>6</b>	<b>6</b>	<b>-</b>	<b>1</b>
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: 8pt;">committee acronym(s)</div>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				