



LATE TESTIMONY

THE HAWAII STATE HOUSE OF REPRESENTATIVES
The Twenty-Sixth Legislature
Regular Session of 2012

COMMITTEE ON ECONOMIC REVITALIZATION & BUSINESS

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

DATE OF HEARING: Thursday, February 9, 2012
TIME OF HEARING: 8:30 a.m.
PLACE OF HEARING: Conference Room 312

TESTIMONY ON HB 2089 HD1 RELATING TO HEALTH

By DAYTON M. NAKANELUA,
State Director of the United Public Workers,
AFSCME Local 646, AFL-CIO ("UPW")

My name is Dayton M. Nakanelua and I am the State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO (UPW). The UPW is the exclusive representative for approximately 11,000 public employees, which include blue collar, non-supervisory employees in Bargaining Unit 01 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represents about 1,500 members of the private sector.

The UPW supports the passage of HB 2089 HD1, which requires employers to provide a minimum amount of paid sick 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.

Providing employees with sick leave helps ensure that they are healthier and more productive while at work. It also reduces the spread of illnesses in the workplace. Every employee should be afforded sick leave benefits. It is the right thing to do.

Accordingly, the UPW supports the passage of HB 2089 HD1.

Thank you for the opportunity to testify on this measure.



LATE TESTIMONY

**Testimony to the House Committee on
Economic Revitalization & Business
Thursday, February 9, 2012, 8:30am
Conference Room 312**

RE: House Bill 2089 – Relating to Health, Paid Sick & Safe Leave

Chair Mr. Angus Mclelvey, Vice Chair Mr. Isaac Choy, and other members of the committee;

Mahalo for this opportunity to testify, my name is Jim Walsh, I am the General Manager for Atlantis Adventures - Maui. I am writing this testimony on behalf of Atlantis Adventures Hawaii. As a member of the business community, Atlantis Adventures **strongly opposes HB2089.**

I urge you to kill this Bill in committee. As I read this bill, I'm not sure even where to begin. Maybe it's just a basic philosophical difference of opinion on what the governments roll is in the lives of individuals and in businesses in our state. This bill is definitely expanding the governments roll in business, which I am opposed to. In these economically difficult times, I would like to see state government help businesses succeed. This bill continues to add to the regulatory burden of the business community. There are so many things wrong with this bill that I cannot comment on them all.

While I agree with the basic concept of this bill, which is to take care of our employees, and treat them with dignity and respect. However, it is the business communities' roll to do this, not the governments roll. Good companies will take care of their employees and thrive (even in these hard times), while poor companies will not take care of their employees and fail. They will go out of business.

Throughout this bill there are quite a few assumptions and questionable statistics that this bill puts forward. Almost all of the statistics are from a "national" prospective, while we know that Hawaii is quite different from the other 49 states. What are the true statistics for Hawaii? How does this bill affect Act 44 – The Hawaii Family Leave Act? Between Act 44 and the Federal Family Leave Act, employees are protected from termination.

Section 1 (10) makes the assumption that "employees frequently lose their jobs, or are disciplined for taking sick leave." Clearly this statement is based on feelings rather than fact. Surely if this was a frequent occurrence, I would have had a family member, a friend, or a casual acquaintance be punished for taking sick leave. However, I don't know of anyone who this has happened to.

Atlantis[®]

A D V E N T U R E S

Section 1 (15) is of particular concern to me, because what this section is proclaiming is that the government is going to start to regulate private business' compensation packages. Why stop at sick leave? Why not have a government mandate for paid vacation too? This section is just wrong. A government mandated paid sick leave "will not reduce the competitive disadvantage", it will reduce the competitive advantage. Our goal as a business is to offer a better compensation package than my competitors, so I can attract and retain the best employees possible. I don't want, or need the government's help here.

In closing I feel this bill is poorly written, and is not in the best interest for state's business community. Hawaii is already viewed as a difficult to do business, and this is another good example of why. The governments roll should be to create an environment where businesses can thrive and be successful. Then that success can be passed on to the employees through good compensation plans that are sustainable for both the employee and employer.

Atlantis Adventures opposes HB2089 and again ask that this bill be killed in committee.

Respectfully,

James Walsh
General Manager
Atlantis Adventures Hawaii
658 Front Street, #175
Lahaina, HI. 96761
Tel (808) 667-6604
Fax (808) 661-1210
jwalsh@atlantisadventures.com

LATE TESTIMONY

TO : COMMITTEE ON ECONOMIC REVITALIZATION AND BUSINESS
Rep. Angus L.K. McKelvey, Chair
Rep. Isaac W. Choy, Vice Chair

FROM: Eldon L. Wegner, Ph.D.,
PABEA (Policy Advisory Board for Elder Affairs)

SUBJECT: HB 2089 HD1 Relating to Health

HEARING: 8:30 am Thursday, February 9, 2012
Conference Room 312, Hawaii State Capitol

POSITION: The Policy Advisory Board for Elder Affairs supports approval of HB 2089 HD1 which would provide a minimum of paid sick and safe leave to employees to care themselves or a family member who needs care due to illness or being a victim of domestic violence, sexual assault or stalking.

RATIONALE:

I am offering testimony on behalf of PABEA, the Policy Advisory Board for Elder Affairs, which is an appointed board tasked with advising the Executive Office on Aging (EOA). My testimony does not represent the views of the EOA but of the Board.

- § Surveys of family caregivers and employers in Hawaii in 2007 provided data noting an increased recognition by employers of the lost productivity due to the strains of working caregivers and detrimental consequences on the careers and economic situation of employed caregivers. Caregiving also resulted in reducing or dropping out of participation in the labor force.
- § Family caregivers reported many strains in balancing the obligations of employment and caregiving, often resulting in absences, interruptions during work hours, leaving early, and anxieties which reduced productivity. Many also had to reduce hours of work, reduce work responsibilities, and pass up promotions, resulting in substantial financial sacrifices to their families and their future economic well-being
- § This proposed policy would likely result in greater workforce retention, benefiting both the caregiver, the employer and the general society, especially if combined with other workplace policies such as flexible hours to support caregivers. The proposed legislation would at least provide some financial protection for persons who need to reduce their employment in order to care for themselves or their family members.

Thank you for the opportunity to provide testimony supporting this bill.



LATE TESTIMONY

55 Merchant Street
Honolulu, Hawai'i 96813-4333

HAWAI'I PACIFIC HEALTH
Kapi'olani • Pali Momi • Straub • Wilcox

808-535-7401
www.hawaiipacifichealth.org

Thursday – February 9, 2012 – 8:30am
Conference Room 312

The House Committee on Economic Revitalization & Business

To: Representative Angus McKelvey, Chair
Representative Isaac Choy, Vice Chair

From: Gail Lerch
Executive Vice President
Human Resources and Organizational Effectiveness

Re: **HB 2089 HD1 RELATING TO HEALTH - Testimony in Strong Opposition**

My name is Gail Lerch, Executive Vice President, Human Resources and Organizational Effectiveness for Hawai'i Pacific Health (HPH). HPH is a nonprofit health care system and the state's largest health care provider, committed to providing the highest quality medical care and service to the people of Hawai'i and the Pacific Region through its four affiliated hospitals, 49 outpatient clinics and more than 2,200 physicians and clinicians. The network is anchored by its four nonprofit hospitals: Kapi'olani Medical Center for Women & Children, Pali Momi Medical Center, Straub Clinic & Hospital and Wilcox Memorial Hospital.

We are writing in **strong opposition** to HB 2089 HD1 Relating to Health which requires 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.

We oppose this measure testifying as both a health care provider and as a private employer. First, this bill involves a matter that we believe should be addressed through collective bargaining rather than legislated. Second, we believe there are other legislative protections already in place including TDI, FMLA, and the Victim Leave Act assuring these employee similar protection and benefits. For example the Hawai'i Family Leave Law that allows employees to provide care for a family members with a serious sickness or health condition for up to 4 weeks of their accrued paid time off as provided in their collective bargaining unit is adhered to at HPH.

This additional layer of legislated costs also has the potential of compromising community access to healthcare. The recent closure of Hawai'i Medical Center is a visible reminder of the fragile margins that healthcare providers rely upon across the health care continuum to deliver quality care to our patients. This bill would quickly erode those margins required to keep providing health care sustainable by creating an additional layer of mandated costs.

Our company's most valuable asset is our employees. Therefore, we do everything to create a positive work environment including benefits that we can afford. Many private employers similar to HPH already provide a generous benefit package which may be used for purposes described in this bill. If this bill is passed, it will have the unintended consequence of reducing current benefit packages we currently offer to accommodate this measure as it ~~would~~ mandating additional costs.



Affiliates of Hawai'i Pacific Health

We ask that you hold this measure. Thank you for the opportunity to testify.



OUTRIGGER
ENTERPRISES GROUP
Hospitality • Retail • Development

HOUSE OF REPRESENTATIVES
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012

COMMITTEE ON ECONOMIC REVITALIZATION & BUSINESS
Representative Angus McKelvey, Chair

HB 2089, HD 1
Relating to Health

Chair McKelvey and Members of this Committee, my name is Max Sword, here on behalf of Outrigger Hotels Hawaii, in opposition to this bill.

Even though this bill does not affect Outrigger Hotels Hawaii, we are in opposition of this bill on behalf of a good number of tenants who leases space from us at our various properties. A lot of these tenants are mom and pop or family run enterprises.

In other words there maybe 4 or 5 members of a family running the business, taking off when they need to, based on family needs. Forcing these small family businesses to enforce a paid sick leave mandate on them, would be counter productive to the well being of the family enterprise. Family businesses tend to run on shoestring budgets where every penny counts.

If this proposed law were in effect when the Kelley Family started Outrigger Hotels years ago, would Outrigger Hotels be where it is today? Every one of the Kelley family members helped out in the running of Outrigger Hotels.

Mr. Chair, we hope that this committee will consider what mandating these types of requirements, will do to small family run businesses.

We urge your deep sixing this bill and Mahalo for allowing me to testify.

HOUSE COMMITTEE ON ECONOMIC REVITALIZATION & BUSINESS
THE HONORABLE ANGUS L. K. MCKELVEY, CHAIR
THE HONORABLE ISAAC W. CHOY, VICE CHAIR

HOUSE BILL NO. 2089, HOUSE DRAFT 1, scheduled for hearing on February 9, 2012

Testimony of Roy Catalani, Vice President of Strategic Planning and Government Affairs, and
Dean Kapoi, Vice President of Human Resources and Labor Relations, Young Brothers, Limited

SUBMISSION OF WRITTEN TESTIMONY ONLY

Chair McKelvey, Vice Chair Choy, and Members of the House Economic Revitalization &
Business Committee:

Thank you for the opportunity to testify on House Bill No. 2089, House Draft 1 (*HB2089 HD1*).

Young Brothers, Limited (*Young Brothers*) opposes HB2089 HD1.

HB2089 HD1 proposes to require all Hawaii employers, whether small businesses or larger enterprises, to provide a minimum amount of paid "sick and safe" leave to all their employees who work for more than 80 hours in a year, to care for themselves or their family members who are ill, need medical care, or are victims of domestic violence, sexual assault, or stalking. The bill further delineates, among other things, when such paid sick and safe leave accrues (at commencement of employment), when such leave may be used (beginning on the 90th calendar day following commencement of employment), and how much leave time is to accrue for different categories of employers.

The bill does not recognize that requirements and circumstances may differ from employer to employer. For example, as an employer, Young Brothers has various categories of employees to which different sick leave policies apply. Some of our employees are subject to sick leave policies governed by collective bargaining agreements; our salaried employees, on the other hand, are subject to the sick leave policy established by the company. This policy fixes the amount of paid sick leave that a salaried employee may use and the effective date when an employee may begin to use sick leave. The company also includes in its policy the circumstances under which a salaried employee may be eligible for long-term paid absences.

Young Brothers has fashioned its sick leave policy to account for and acknowledge the circumstances under which an employee must be out of the office to tend to health and other issues for herself or for her family. We believe we have balanced meeting that employee need with the company's desire to avoid abuses, which are infrequent but which do affect other employees who must carry the workload of absentee coworkers.

The flexibility that employers, whether small or larger businesses, now have to accommodate individual circumstances would be stymied by the rigid structure proposed by HB2089 HD1. By its nature, the bill would also impose burdensome recordkeeping requirements (simply to place each employee in the appropriate sick and safe leave accrual category) that would add to the cost of doing business in Hawaii.

Thank you for the opportunity to testify.

LATE TESTIMONY



Okahara & Associates, Inc.
ENGINEERING CONSULTANTS

Testimony to the House Committee on Economic Development & Business
Thursday, February 9, 2012
8:30 a.m.
Conference Room 312

OPPOSE

RE: H.B. 2089 HD1, RELATING TO HEALTH

Chair McKelvey, Vice Chair Choy, and members of the committee:

My name is Donald K. Okahara and I represent Okahara and Associates, Inc. We **OPPOSE** the intent of HB 2089 HD1 Relating to Health.

HB 2089 HD1 does not allow employers to verify whether the employee is taking "sick and safe leave" for the first three (3) days of absence. This bill prohibits employers from requesting reasonable documentation unless the "sick and safe leave" exceeds three consecutive days. And it penalizes the employer for asking to verify whether someone is truly sick by requiring the employer to pay for the doctor's note.

Okahara and Associates, Inc. have done what we could to keep cost to a minimum within the company especially in this hard economic time. Any increase in cost is critical to the company's existence. Please help us (small businesses) survive!

Thank you for the opportunity to submit testimony.

LATE TESTIMONY



MOLOKAI CHAMBER OF COMMERCE

P.O. Box 515
Kaunakakai, HI 96748

T 808 553 4482

info@molokaichamber.org

www.molokaichamber.org

Testimony to the House Committee on Economic Revitalization and Business

Thursday, February 9, 2012

8:30 a.m.

State Capitol - Conference Room 312

RE: HOUSE BILL NO. 2089, HD1 RELATING TO HEALTH

Chair McKelvey, Vice Chair Choy, and members of the committee:

My name is Robert Stephenson and I am the President of The Molokai Chamber of Commerce. I am submitting testimony to state The Molokai Chamber's opposition to Senate Bill No. 2507 relating to Health.

The Molokai Chamber of Commerce is Molokai's most trusted business organization, representing nearly 100 businesses. Most of our members are small businesses with less than 20 employees. As Molokai's "Advocate for All Things Business" the organization works on behalf of its members, which employ approximately 500 individuals, to improve the Molokai economic climate and to help to provide a stable environment in which to conduct the exchange of lawful commerce.

Most of our businesses on Molokai are Small Businesses and they operate on low margins. This makes them especially vulnerable to any increase in costs. This measure could force them to offset these higher costs of compliance with lower wages, fewer hours, and even increased costs to customers. Businesses on the verge of survival may even have to close. Though well intended it may be, we're just not in a business climate where this measure is manageable. Especially due to the recent loss of over \$100,000 to our local businesses as a result of unlawful protests. These are the realities that our Molokai businesses face.

Additionally, the added administrative costs and increased workload of compliance could make the difference between companies keeping employees and increasing staffing levels, or laying people off altogether, placing an even greater burden on our state unemployment resources.

In a time when we are all focusing on job creation and economic growth, this measure would surely have the opposite effect.

The Molokai Chamber of Commerce respectfully requests that this measure be held in Committee.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Stephenson', with a long horizontal stroke extending to the right.

Robert Stephenson, President

February 8, 2012

LATE TESTIMONY

HADA Testimony in OPPOSITION
to HB2089

RELATING TO HEALTH

Presented to the House Committee on Economic Revitalization & Business

At the public hearing 8:30 a.m., Thursday, February 9, 2012
in Conference Room 312, Hawaii State Capitol

Submitted by David H. Rolf, for the Hawaii Automobile Dealers Association
Hawaii's Franchised New Car Dealers

Chair McKelvey, Vice Chair Choy and members of the committee,

I'm David Rolf, representing Hawaii's franchised new car dealers.

HADA believes that while requiring mandatory sick leave initially sounds benign, such a government mandate would create adverse consequences for businesses and employees alike.

No government-mandated "one-size-fits-all" sick leave policy will work for the variety of employee benefit plans that have been implemented for employees over the years. In Hawaii there are 62 franchised new car dealerships—owned and operated by 29 ownership entities—mostly long-time family-operated businesses. All have different sick day / vacation time / paid time off policies.

All would be affected by this bill.

Employers, like auto dealers, whoR already have a paid leave policy will need to provide employees a minimum of 1 hour sick leave for every 30 hours work and not more than 72 hours in a calendar year, unless the employer provides a higher limit.

One dealer noted that his dealership's policy of 40 hours of paid time off seems adequate and that requiring 72 hours of sick leave would have the adverse effect of encouraging absenteeism.

Research found that in San Francisco, over 28 percent of employees in the "bottom wage quartile" faced layoffs or total hours reduced as a result of the paid sick leave mandate. (San Francisco's Paid Sick Leave Ordinance: Outcomes for Employers and Employees, page 13).

HADA respectfully requests that the committee hold HB2089 to avoid adversely affecting employees and creating adverse consequences for businesses.

Respectfully submitted,

David H. Rolf

For the members of the Hawaii Automobile Dealers Association

1100 Alakea St. Suite 2601

Honolulu, Hawaii 96813

Tel: 808 593-0031 Cell: 808 223-6015 Fax: 808 593-0569

Email: drolf@hawaiiidealer.com website: www.hawaiiidealer.com

LATE TESTIMONY

ATTN: COMMITTEE ON ECONOMIC REVITALIZATION & BUSINESS
Rep. Angus L.K. McKelvey, Chair
Rep. Isaac W. Choy, Vice Chair

HEARING DATE: February 9, 2012
HEARING TIME: 8:30 a.m.

IN STRONG SUPPORT OF HB2089 HD1 – Paid Sick and Safe Leave.

Dear Chair McKelvey and committee members,

The Coalition is in strong support of this measure that would require employers to provide paid sick and safe leave to employees.

Employers too many times treat victims of domestic violence or rape as if they are somehow at fault for the trauma that makes them less than 100 percent productive in the workplace. This is shortsighted as employers stand to gain productive workers if they are given the time take care of themselves and their families.

Maintaining a job can be extremely difficult for victims of violent crime. In 2009, the Department of Justice found that of the 79% of stalking victims who had a job, one in eight lost time from work. More than half of the victims surveyed lost five or more days from work. In 2007, between 15.2% and 27.6% of women surveyed lost a job due to domestic violence. Allowing a minimum amount of paid time off is crucial for victims to recover from abuse.

If passed, this bill would enable victims of domestic violence, sexual assault or stalking to participate in legal proceedings, receive medical treatment or obtain other necessary services. A minimum of paid sick and/or safe leave would also allow victims to maintain some sense of financial independence without fear of firing for taking time off. It is sound public policy that benefits the community and the workplace.

The Coalition respectfully requests that this Committee pass HB 2089.

Mahalo,

Ann S. Freed
Co-Chair Women's Coalition
95-227 Waikalani Dr. A403
Mililani, HI 96789
808-623-5676

LATE TESTIMONY

Testimony of Glenn Ida
45-284 Pahikaua Street
Kaneohe, Hi. 96744

IN SUPPORT OF HB 2089, HD1

Before the House Committee on Economic Revitalization & Business
Thursday, Feb. 9, 2012
9 AM, Room 312

Aloha Chair Mckelvey, Vice-Chair Choy and Members of the Committee,

My name is Glenn Ida and I Support, HB 2089, HD1, which requires 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.

In today's economy, there are too many households with only one income or families just getting by. An illness to anyone in that family could lead to economic stress as well as emotional hardships that may compromise a workers ability to function in the workplace.

Many adults are or will become caregivers for the elders in our families. Many are by choice, but many become caregivers by circumstances beyond their control.

I believe that HB 2089, HD1 will allow employees to make better choices for themselves and their loved ones.

Therefore I **SUPPORT HB 2089, HD1.**

Thank you for this opportunity to testify.

Glenn Ida
808-295-1280

LATE TESTIMONY

8 February 2012

Testimony to the House Committee on Economic Revitalization and Business

Date of hearing: Thursday, February 09, 2012

Time of hearing: 8:30a

Place of hearing: State Capitol, Conference Room 312

Aloha Chariman McKelvey, Vice Chair Choy and members of the committee

Re: Oppose HB 2089 relating to Health

My name is Kea Kalā and I work at a local business here in Hilo as a Human Resources manager.

During these difficult economic times, we have continued to support our employees by offering a benefits package that includes paid sick leave for employees who need to take care of themselves or their family. Issues that are of concern regarding HB 2089 include:

- Requiring a minimum amount of sick and safe leave for all employees when many employers already provide some type of paid leave.
- Employers would be burdened with the expense of paying for a doctor's note for employees with no medical insurance.
- Employers would be prohibited from asking an employee for a doctor's note for leaves less than 3 days.

Local businesses in Hawai'i are already tasked with many regulatory requirements. This measure would put additional hardship on the very families it was intended to help.

Thank you for the opportunity to provide testimony in opposition of H.B. 2089.

Representative McKelvey - Chair
Representative Choy - Vice Chair

February 8, 2012

Winton Schoneman
Bubbies Homemade Ice Cream and Desserts Franchisee

IN STRONG OPPOSTION TO HB2089 HD1 RELATING TO HEALTH (Paid sick and safe leave)

Aloha Chair McKelvey and Vice Chair Choy, members of the Committee, I apologize for not being present to provide this testimony. I own and operate a retail ice cream shop and must be manning the counter at this time; however, I would like to express that I know that I am in a similar position to many small local retail establishments and that passage of this bill, in conjunction with the many new, onerous regulations, will most likely result in the closure of many of our businesses, including mine. Reading the rationale, there seems to be a general feeling that we, as employers, do not do the best we can to take care of our employees and that Hawaii has multitudes of workers suffering with low pay and horrible working conditions...here is some data on minimum wage workers as prepared by the U.S. Department of Labor entitled "Characteristics of Minimum Wage Workers: 2010.

- In Hawaii, with almost 700,000 workers 318,000 are hourly wage earners.
- There are only 15,000 minimum wage or less earners, statewide, representing 0.3% of all workers and 4.7% of hourly wage earners.
- Nationwide 3% of minimum wage or less earners are married...presuming that Hawaii's demographics would be similar equates to 450 married employees.
- Nationwide, 25% of hourly wage earners that make minimum wage or less are under 19 years of age.

Some quotes from the summation:

1. "Never-married workers, who tend to be young, were more likely than married workers to earn the Federal minimum wage or less (about 11 percent versus about 3 percent)."
2. "Part-time workers (persons who usually work less than 35 hours per week) were more likely than full-time workers to be paid the Federal minimum wage or less (about 14 percent versus about 3 percent)"
3. "By major occupational group, the highest proportion of workers earning at or below the Federal minimum wage was in service occupations, at about 14 percent. About 6 in 10 workers earning the minimum wage or less in 2010 were employed in service occupations, mostly in food preparation and serving related jobs."

4. "The industry with the highest proportion of workers with hourly wages at or below the Federal minimum wage was leisure and hospitality (23 percent). Nearly one-half of all workers paid at or below the Federal minimum wage were employed in this industry, primarily in restaurants and other food services. For many of these workers, tips and commissions supplement the hourly wages received."

So let me tell you about my business. I own and operate an ice cream franchise from a local ice cream manufacturer. In the food business margins are very thin especially when you are dealing with locally manufactured, high quality products. I have four employees that are working their way through college. I have five employees that are high school kids. Total of nine...all live at home. I had one full time employee that left to move back to the mainland, saving me the \$400.00 a month for the medical insurance that I couldn't really afford any way. I regularly deal with employees that must stay home to take care of their brother or sister, because they have to study, because their teacher gives them a last minute assignment...you name it I have heard the excuses. Not that they are bad employees but a part time, entry level, job is not the highest priority in their life. As I stated before profit margins are narrow. Since 2007, nationwide, the Employment Cost Index, for businesses in the retail and service sector, has increased by 7.6%. Utility bills have gone sky high (I pay more for electricity now than when oil was above \$140.00 a barrel) about \$2000.00 a month with no prospect for installing solar panels on leased property. Unemployment, work comp and other insurance programs continue to become more expensive. Rent has gone up 5%. And now we are facing a minimum wage increase, mandatory scheduled breaks, bag fees, sugar taxes...and now paid family leave. Not to mention, the increased paperwork and regulatory burden costs.

The way things currently work, is that employees find a replacement for their shift or call me so that we have healthy, safe workers and an operating business...and it works very well. In the sixteen years that I have been operating my business, I have had only a couple of occasions where I needed to cover for an employee. And on at least one occasion I paid for the doctor visit. Like many retail businesses, we depend on "disposable income" for our sales...this is very limiting when it comes to raising prices to cover additional expenses...we just can't go much above \$3.50 for an ice cream cone.

Quickly, I estimate that the 360 hours of potential additional wages would cost my business almost \$5,000.00 a year...or about 10% of net profit. When you look at the big picture...we, small local businesses, hire young, mostly single, entry level workers...we provide a valuable service in helping our employees get their college degree. We do our best with what we have to provide a safe, healthy work environment.

Please table HB2089 and preserve local businesses.

Thank you.

Sincerely,

Winton Schoneman

Note: Characteristics of Minimum Wage Workers: 2010 available at <http://www.bls.gov/cps/minwage2010.htm>

LATE TESTIMONY

From: mark.phillipson@syngenta.com
Sent: Wednesday, February 08, 2012 3:06 PM
To: ERBtestimony
Subject: LATE TESTIMONY Please HOLD HB 2089 HD1

Mark Phillipson
PO BOX 879
Waimea, HI 96796-0879

February 8, 2012

Chair Angus McKelvey & Committee Members

Dear Chair Angus McKelvey & Committee Members:

Testimony to the House Committee on Economic Revitalization & Business
Thursday, February 9, 2012 at 8:30 a.m.
Conference Room 312, State Capitol

Please hold HB 2089 HD1.

Another mandate placed on my business will increase the cost of doing business.

Our company priority and asset is our employees. Therefore, we do everything we can to create a positive work environment and provide benefits that we can afford.

Our current sick policy does not place a number on the amount of sick days per year. If you are sick do not come to work and get everyone else sick.

Stay home and get well and get paid. Sick days are there if you need them, not an automatic time off. That is called vacation. Please don't dictate a policy that would replace one that emphasizes trust, goodwill, and honesty between employer and employee.

Thanks for the opportunity to provide this testimony.

I respectfully ask that HB 2089 HD1 be held in committee. Thank you for the opportunity to submit testimony.

Sincerely,

Mark Phillipson

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 08, 2012 3:11 PM
To: ERBtestimony
Cc: jackie@fair-wind.com
Subject: LATE TESTIMONY - Testimony for HB2089 on 2/9/2012 8:30:00 AM

Testimony for ERB 2/9/2012 8:30:00 AM HB2089

Conference room: 312
Testifier position: Oppose
Testifier will be present: No
Submitted by: Jackie Moore-Andresen, HR & Payroll Manager
Organization: Fair Wind Cruises
E-mail: jackie@fair-wind.com
Submitted on: 2/8/2012

Comments:

We strongly oppose the bill as written. Mandating employer's to pay up to 72 hours paid sick time annually per employee would put an undue financial hardship on employers. Employers who are already faced with economic hardships and striving to keep on top of rising health care costs, increasing unemployment taxes, and having to pay this amount of paid sick time plus additional labor costs for additional staffing to cover the sick time would be detrimental to a lot of small business and counterproductive. It is our position this should be kept a discretionary benefit and not mandated.

LATE TESTIMONY

From: picketfence@hawaii.rr.com
Sent: Wednesday, February 08, 2012 3:16 PM
To: ERBtestimony
Subject: LATE TESTIMONY - Please HOLD HB 2089 HD1

Sadie Akamine
111 Hekili suite 106
Kailua, HI 96734-2800

February 8, 2012

Chair Angus McKelvey & Committee Members

Dear Chair Angus McKelvey & Committee Members:

Testimony to the House Committee on Economic Revitalization & Business
Thursday, February 9, 2012 at 8:30 a.m.
Conference Room 312, State Capitol

Please hold HB 2089 HD1.

I cannot believe during these tough economic times there is a motion to impose another burden to Hawaii business. We already have the reputation of having the worst business environment in the USA. This act will have a ripple effect; possible to the point of the shutting down of many of the small businesses.

I respectfully ask that HB 2089 HD1 be held in committee. Thank you for the opportunity to submit testimony.

Sincerely,

Sadie Akamine
8082627727

LATE TESTIMONY

From: tara@konabrewingco.com
Sent: Wednesday, February 08, 2012 3:21 PM
To: ERBtestimony
Subject: LATE TESTIMONY - HB 2089 HD1 will make doing business harder

Mattson Davis
74-5617 Pawai Pl
Kailua-Kona, HI 96740-3125

February 8, 2012

Chair Angus McKelvey & Committee Members

Dear Chair Angus McKelvey & Committee Members:

Testimony to the House Committee on Economic Revitalization & Business
Thursday, February 9, 2012 at 8:30 a.m.
Conference Room 312, State Capitol

Please hold HB 2089 HD1.

Our company priority and asset is our employees. Therefore, we do everything we can to create a positive work environment and provide benefits that we can afford.

I respectfully ask that HB 2089 HD1 be held in committee. Thank you for the opportunity to submit testimony.

Sincerely,

Mattson Davis
8083341133

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 08, 2012 3:28 PM
To: ERBtestimony
Cc: juli@justlive.org
Subject: LATE TESTIMONY - Testimony for HB2089 on 2/9/2012 8:30:00 AM

Testimony for ERB 2/9/2012 8:30:00 AM HB2089

Conference room: 312
Testifier position: Oppose
Testifier will be present: No
Submitted by: Julianne Lester
Organization: Just Live, Inc.
E-mail: juli@justlive.org
Submitted on: 2/8/2012

Comments:

I strongly oppose HB2089. This would make it too easy for employees to abuse and take advantage of employers.

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 08, 2012 3:31 PM
To: ERBtestimony
Cc: nicole@justlive.org
Subject: LATE TESTIMONY - Testimony for HB2089 on 2/9/2012 8:30:00 AM

Testimony for ERB 2/9/2012 8:30:00 AM HB2089

Conference room: 312
Testifier position: Oppose
Testifier will be present: No
Submitted by: Nicole Baier
Organization: Just Live, Inc.
E-mail: nicole@justlive.org
Submitted on: 2/8/2012

Comments:

I am in major opposition of HB2089. Small business struggle enough. This would make it very convenient for employees to take advantage of their employers.

LATE TESTIMONY

From: rktx@hawaii.rr.com
Sent: Wednesday, February 08, 2012 3:36 PM
To: ERBtestimony
Subject: LATE TESTIMONY - Please do not pass HB 2089 HD1

Paul Sheffield
131 Kuulei Road
Kailua, HI 96734-2719

February 8, 2012

Chair Angus McKelvey & Committee Members

Dear Chair Angus McKelvey & Committee Members:

Testimony to the House Committee on Economic Revitalization & Business
Thursday, February 9, 2012 at 8:30 a.m.
Conference Room 312, State Capitol

Please hold HB 2089 HD1.

I have a very small business and complying with this mandate to give employees up to 5 days will be detrimental to my business. It's already difficult to survive this economic downturn.

I respectfully ask that HB 2089 HD1 be held in committee. Thank you for the opportunity to submit testimony.

Sincerely,

Paul Sheffield
263-2339

LATE TESTIMONY

From: m2drace@mac.com
Sent: Wednesday, February 08, 2012 3:36 PM
To: ERBtestimony
Subject: LATE TESTIMONY - Please HOLD HB 2089 HD1

Michael Drace
1930 Auikik
Honolulu, HI 96819

February 8, 2012

Chair Angus McKelvey & Committee Members

Dear Chair Angus McKelvey & Committee Members:

Testimony to the House Committee on Economic Revitalization & Business
Thursday, February 9, 2012 at 8:30 a.m.
Conference Room 312, State Capitol

Please hold HB 2089 HD1.

My company has just barely survived the recession and our long term viability is still in question. This bill would be likely to kill us and our 125 employees.

72 hours times 125 workers times an average of \$9.00 per hour is \$81,000 per year.

We can't do that!!

I respectfully ask that HB 2089 HD1 be held in committee. Thank you for the opportunity to submit testimony.

Sincerely,

Michael E. Drace
808 836 1661

LATE TESTIMONY

From: s.matsumoto@shs-hi.com
Sent: Wednesday, February 08, 2012 3:36 PM
To: ERBtestimony
Subject: LATE TESTIMONY - Please HOLD HB 2089 HD1

Shinichi Matsumoto
180 Kinoole St, Suite 204
Hilo, HI 96720-2827

February 8, 2012

Chair Angus McKelvey & Committee Members

Dear Chair Angus McKelvey & Committee Members:

Testimony to the House Committee on Economic Revitalization & Business
Thursday, February 9, 2012 at 8:30 a.m.
Conference Room 312, State Capitol

Please hold HB 2089 HD1.

I'm operating on slim margins already. Additional costs or mandates will surely impact my business.

I respectfully ask that HB 2089 HD1 be held in committee. Thank you for the opportunity to submit testimony.

Sincerely,

Shinichi Matsumoto
8089909400

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 08, 2012 3:38 PM
To: ERBtestimony
Cc: info@mauibikeride.com
Subject: LATE TESTIMONY - Testimony for HB2089 on 2/9/2012 8:30:00 AM

Testimony for ERB 2/9/2012 8:30:00 AM HB2089

Conference room: 312
Testifier position: Oppose
Testifier will be present: No
Submitted by: Paolo Baricchi
Organization: Maui Sunriders Bike Co.
E-mail: info@mauibikeride.com
Submitted on: 2/8/2012

Comments:

LATE TESTIMONY

From: mellman@me.com
Sent: Wednesday, February 08, 2012 3:41 PM
To: ERBtestimony
Subject: LATE TESTIMONY - Please hold the mandatory paid sick leave bill

Mark Ellman
1295 front st
lahaina, HI 96761-1723

February 8, 2012

Chair Angus McKelvey & Committee Members

Dear Chair Angus McKelvey & Committee Members:

Testimony to the House Committee on Economic Revitalization & Business
Thursday, February 9, 2012 at 8:30 a.m.
Conference Room 312, State Capitol

Please hold HB 2089 HD1.

Dear Angus McKelvey

HB 2089 is not a good bill

Already small and large business in Hawaii are burdened by the high cost of doing business We are mandated to pay for health insurance on employees that only have to work 20 hr a week as fuel costs rise so are the costs of selling a salad we already have to factor in health costs now we will have to charge for the sick days in the price of a salad Tourists already complain on the high costs they are subjected to in Paradise

During this AWFUL financial crisis
this is not the time to place more burden on the businesses in Hawaii

Mahalo

I respectfully ask that HB 2089 HD1 be held in committee. Thank you for the opportunity to submit testimony.

Sincerely,

Mark Ellman
8088709340

LATE TESTIMONY

From: pzldoh@hotmail.com
Sent: Wednesday, February 08, 2012 3:46 PM
To: ERBtestimony
Subject: LATE TESTIMONY - Please do not pass HB 2089 HD1

Reid Harada
205 Mokauea Street
Honolulu, HI 96819-3108

February 8, 2012

Chair Angus McKelvey & Committee Members

Dear Chair Angus McKelvey & Committee Members:

Testimony to the House Committee on Economic Revitalization & Business
Thursday, February 9, 2012 at 8:30 a.m.
Conference Room 312, State Capitol

Please hold HB 2089 HD1.

Our company priority and asset is our employees. Therefore, we do everything we can to create a positive work environment and provide benefits that we can afford.

I'm operating on slim margins already. Additional costs or mandates will surely impact my business.

I respectfully ask that HB 2089 HD1 be held in committee. Thank you for the opportunity to submit testimony.

Sincerely,

Reid Harada
8088416999

LATE TESTIMONY

From: stevenhironaka@me.com
Sent: Wednesday, February 08, 2012 3:56 PM
To: ERBtestimony
Subject: LATE TESTIMONY - Please hold the mandatory paid sick leave bill

Steven Hironaka
123 Lihikai St
Hilo, HI 96720-4680

February 8, 2012

Chair Angus McKelvey & Committee Members

Dear Chair Angus McKelvey & Committee Members:

Testimony to the House Committee on Economic Revitalization & Business
Thursday, February 9, 2012 at 8:30 a.m.
Conference Room 312, State Capitol

Please hold HB 2089 HD1.

Another mandate placed on my business will increase the cost of doing business.

My business cannot afford another mandate especially during these tough economic times.

I'm operating on slim margins already. Additional costs or mandates will surely impact my business.

I have a small business and complying with this mandate to give employees up to 5 days will be detrimental to my business. It's already difficult to survive this economic downturn.

Our company priority and asset is our employees. Therefore, we do everything we can to create a positive work environment and provide benefits that we can afford.

I respectfully ask that HB 2089 HD1 be held in committee. Thank you for the opportunity to submit testimony.

Sincerely,

Steven I. Hironaka
808-969-1133

From: mdelaney@thehawaiigroup.com
Sent: Wednesday, February 08, 2012 3:56 PM
To: ERBtestimony
Subject: LATE TESTIMONY - Please HOLD HB 2089 HD1

Matt Delaney
500 Ala Moana Boulevard, Suite 2-302
Honolulu, HI 96813-4993

February 8, 2012

Chair Angus McKelvey & Committee Members

Dear Chair Angus McKelvey & Committee Members:

Testimony to the House Committee on Economic Revitalization & Business
Thursday, February 9, 2012 at 8:30 a.m.
Conference Room 312, State Capitol

Please hold HB 2089 HD1.

My name is Matt Delaney and I am the President and CEO of The Hawaii Group, Inc. I am here to state HiGroup's opposition to Senate Bill No. 2507 relating to Health.

As a business resource for over 275 small to medium businesses in Hawaii, our company works on behalf of our clients, to foster positive action on issues of common concern.

Businesses generally offer paid leave (ie. Vacation, sick leave, PTO) 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 or other reasons, and generally accommodate and work with them.

This "one-size fits all" approach, however, will hinder an employer's flexibility in providing this benefit and result in additional costs, direct and indirect. It will be another mandate placed on businesses among others that already exist.

Small businesses are especially vulnerable to any increase in costs, especially those who operate on low margins. Passage of this measure may force many small employers to offset higher costs through lower wages to their employees, fewer work hours, less pay raises, decreased discretionary benefits, and higher health care costs, or even increased costs for consumers. Even worse, for those companies on the "tipping point," any increase may force them to close shop.

Moreover, for employers that already provide the benefit, this measure adds another layer of administrative burden. Many small businesses do not have the human resources capacity or additional resources to keep up with the regulatory requirements.

Next, the measure does not allow employers to verify whether the employee is taking "sick and safe leave" for the first 3 days of absence. The bill prohibits employers from requiring reasonable documentation unless the "sick and safe leave" exceeds three consecutive days. And, it penalizes the employer for asking to verify whether someone is truly sick by requiring the employer to pay for the doctor's note.

At a time when the State is placing an emphasis on jobs and the economy, this measure and any other mandate that creates perceived or real additional costs, will undermine those efforts, hinder economic progress and entrepreneurial activity, and deter business investment in our State. During this uncertain state of the economy, the passage of this measure and other cost burdens would be unfortunate and devastating for Hawaii's economic climate.

I respectfully ask that HB 2089 HD1 be held in committee. Thank you for the opportunity to submit testimony.

Sincerely,

Matthew S. Delaney
808-695-2222

LATE TESTIMONY

From: kktarvyd@gmail.com
Sent: Wednesday, February 08, 2012 4:01 PM
To: ERBtestimony
Subject: LATE TESTIMONY - Please HOLD HB 2089 HD1

Rosario Tarvyd
131 Hekili St
Kailua, HI 96734-2866

February 8, 2012

Chair Angus McKelvey & Committee Members

Dear Chair Angus McKelvey & Committee Members:

Testimony to the House Committee on Economic Revitalization & Business
Thursday, February 9, 2012 at 8:30 a.m.
Conference Room 312, State Capitol

Please hold HB 2089 HD1.

Another mandate placed on my business will increase the cost of doing business.

My business cannot afford another mandate especially during these tough economic times.

I'm operating on slim margins already. Additional costs or mandates will surely impact my business.

I have a small business and complying with this mandate to give employees up to 5 days will be detrimental to my business. It's already difficult to survive this economic downturn.

I am helping feed Hawaii's families by hiring employees. If this mandate passes, you are not helping me as an employer as you are taking whatever slim margins I have to pay this additional cost. We are already having a very tough time staying afloat.

With this mandate, you are just going to increase the unemployment problem because that would mean that we will have to downsize.

I respectfully ask that HB 2089 HD1 be held in committee. Thank you for the opportunity to submit testimony.

Sincerely,

Rosario Tarvyd

LATE TESTIMONY

From: wileydog@gmail.com
Sent: Wednesday, February 08, 2012 4:26 PM
To: ERBtestimony
Subject: LATE TESTIMONY - Please hold the mandatory paid sick leave bill

Wiley Moore
6701 N. Parkview Lane
Tacoma, WA 98407-1367

February 8, 2012

Chair Angus McKelvey & Committee Members

Dear Chair Angus McKelvey & Committee Members:

Testimony to the House Committee on Economic Revitalization & Business
Thursday, February 9, 2012 at 8:30 a.m.
Conference Room 312, State Capitol

Please hold HB 2089 HD1.

My opinion is that this will cause my small business extreme hardship. We provide approximately 90 Hawaiians jobs. Is that not enough? Pass this bill and you are likely to be paying 90 unemployment claims.

wiley Moore

I respectfully ask that HB 2089 HD1 be held in committee. Thank you for the opportunity to submit testimony.

Sincerely,

Wiley Moore

LATE TESTIMONY

From: clo@ffhawaii.com
Sent: Wednesday, February 08, 2012 4:56 PM
To: ERBtestimony
Subject: LATE TESTIMONY - HB 2089 HD1 will make doing business harder

Carol Lee Owens
1845 Auiki Street
Honolulu, HI 96819-3100

February 8, 2012

Chair Angus McKelvey & Committee Members

Dear Chair Angus McKelvey & Committee Members:

Testimony to the House Committee on Economic Revitalization & Business
Thursday, February 9, 2012 at 8:30 a.m.
Conference Room 312, State Capitol

Please hold HB 2089 HD1.

I already provide benefits [describe some of them]. If this bill is passed, it will force me to reduce or even eliminate some of them.

We provide 2 days of sick leave after 60 days of employment and 10 days of vacation after completing 1 year through the 4th year. In the 5 year they qualify for 15 days of vacation. By adding on 7 more days of sick leave you are forcing me to reduce our vacation days due to additional cost. Please reconsider and vote no to this mandate. I do not want to cut the paid days on individuals who are responsible and do not abuse their paid days off, but this legislation will.

I respectfully ask that HB 2089 HD1 be held in committee. Thank you for the opportunity to submit testimony.

Sincerely,

Carol Lee Owens
842-9133

LATE TESTIMONY

From: stevenleebiz@gmail.com
Sent: Wednesday, February 08, 2012 4:56 PM
To: ERBtestimony
Subject: LATE TESTIMONY - Please do not pass HB 2089 HD1

Steven Lee
111 Hekili St A-333
kailua, HI 96734-2800

February 8, 2012

Chair Angus McKelvey & Committee Members

Dear Chair Angus McKelvey & Committee Members:

Testimony to the House Committee on Economic Revitalization & Business
Thursday, February 9, 2012 at 8:30 a.m.
Conference Room 312, State Capitol

Please hold HB 2089 HD1.

I am an employer in Hawaii and used to have over 20 employees. I now employ fewer employees and am currently struggling to keep the remaining employees on the payroll. If this bill passes requiring us to pay sick leave, I will surely terminate staff. A bill such as this is an insult to the many struggling business owners who aren't able to pay themselves yet they struggle and keep workers employed while they draw on the equity on their homes to stay in business and make payroll. That's how I am paying our employees. I can't keep doing this indefinitely and this bill will prod me to cut my losses (employees) sooner than trying to hold out for a healthier climate for our business.

I respectfully ask that HB 2089 HD1 be held in committee. Thank you for the opportunity to submit testimony.

Sincerely,

Steven Lee
8087796622

LATE TESTIMONY

From: rnsauto@ymail.com
Sent: Wednesday, February 08, 2012 4:56 PM
To: ERBtestimony
Subject: LATE TESTIMONY - Please HOLD HB 2089 HD1

Ronald Najarian
905 Kalaniana'ole Hwy. 27D
Kailua, HI 96734-4653

February 8, 2012

Chair Angus McKelvey & Committee Members

Dear Chair Angus McKelvey & Committee Members:

Testimony to the House Committee on Economic Revitalization & Business
Thursday, February 9, 2012 at 8:30 a.m.
Conference Room 312, State Capitol

Please hold HB 2089 HD1.

Another mandate placed on my business will increase the cost of doing business.

I'm operating on slim margins already. Additional costs or mandates will surely impact my business.

Our company priority and asset is our employees. Therefore, we do everything we can to create a positive work environment and provide benefits that we can afford.

I respectfully ask that HB 2089 HD1 be held in committee. Thank you for the opportunity to submit testimony.

Sincerely,

Ronald Najarian
808-263-7277

LATE TESTIMONY

From: nowohana@hawaii.rr.com
Sent: Wednesday, February 08, 2012 4:56 PM
To: ERBtestimony
Subject: LATE TESTIMONY - HB 2089 HD1 will make doing business harder

Norman Wilhoite
4 Kaneohe Bay Dr.
Kailua, HI 96734-1703

February 8, 2012

Chair Angus McKelvey & Committee Members

Dear Chair Angus McKelvey & Committee Members:

Testimony to the House Committee on Economic Revitalization & Business
Thursday, February 9, 2012 at 8:30 a.m.
Conference Room 312, State Capitol

Please hold HB 2089 HD1.

How do you legislators "Think". Mandated medical mandated sick leave, mandated sales tax on our labor. The list goes on and on. Don't you know you're killing small business in Hawaii. You just keep taxing and taxing like there's no tomorrow. After 27 years in business I'm ready to bail out of this government atrocity. If I charged my clients like you tax business's I'd be out of business. No more of this reckless idiocy.

I respectfully ask that HB 2089 HD1 be held in committee. Thank you for the opportunity to submit testimony.

Sincerely,

Norman Wilhoite
808 222 2412

LATE TESTIMONY

From: gomesbus@aol.com
Sent: Wednesday, February 08, 2012 5:26 PM
To: ERBtestimony
Subject: LATE TESTIMONY - Please do not pass HB 2089 HD1

Lee Gomes
47-114 Wailehua Road
Kaneohe, HI 96744-4933

February 8, 2012

Chair Angus McKelvey & Committee Members

Dear Chair Angus McKelvey & Committee Members:

Testimony to the House Committee on Economic Revitalization & Business
Thursday, February 9, 2012 at 8:30 a.m.
Conference Room 312, State Capitol

Please hold HB 2089 HD1.

This bill will be very detrimental to business like ours that are bound in long term contracts that have no provisions to accommodate this extremely costly mandate. The business climate in Hawaii is already dismal, especially to the small businesses struggling to make ends meet with the already skyrocketing costs mandated by law such as medical insurance for employees, workers compensation, temporary disability insurance, etc. The list can go on and on. This bill would knock out many businesses including ours. Please do not pass this bill - save small business!

I respectfully ask that HB 2089 HD1 be held in committee. Thank you for the opportunity to submit testimony.

Sincerely,

Lee Gomes
808-239-6755

LATE TESTIMONY

From: hhhgm@hawaii.rr.com
Sent: Wednesday, February 08, 2012 5:26 PM
To: ERBtestimony
Subject: LATE TESTIMONY - Please HOLD HB 2089 HD1

Daryle Kitamori
71 Banyan Drive
Hilo, HI 96720-4693

February 8, 2012

Chair Angus McKelvey & Committee Members

Dear Chair Angus McKelvey & Committee Members:

Testimony to the House Committee on Economic Revitalization & Business
Thursday, February 9, 2012 at 8:30 a.m.
Conference Room 312, State Capitol

Please hold HB 2089 HD1.

Dear Leaders of Hawaii:

I truly understand the need of our leaders to provide for our people. After all we live in Hawaii and what makes Hawaii special is that we care for our families. However, in order to provide jobs for our workforce, we need to be business friendly. Adding on more and more expenses to business will not help the workforce but instead will decrease the number of employees that are employed.

We already provide more benefits than most states. We provide paid vacation, paid sick leave, paid funeral leave, paid FMLA benefits, paid holidays at double time pay, paid medical, dental, drug & vision, 401K, etc.

We reside in Hilo Hawaii and we are trying to provide the best accommodations we can. Slim margins are hindering our ability to renovate and produce a good product for our community's economy.

Instead of making things harder on business please work on things that will assist in helping businesses hire more people. This is the only way you will help the people of Hawaii during these difficult economic times.

Thank you for your time and consideration.

I respectfully ask that HB 2089 HD1 be held in committee. Thank you for the opportunity to submit testimony.

Sincerely,

Daryle Kitamori
808-935-9361

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 08, 2012 5:38 PM
To: ERBtestimony
Cc: Tours@HawaiiFoodTours.com
Subject: LATE TESTIMONY - Testimony for HB2089 on 2/9/2012 8:30:00 AM

Testimony for ERB 2/9/2012 8:30:00 AM HB2089

Conference room: 312
Testifier position: Oppose
Testifier will be present: No
Submitted by: Matthew Gray - Hawaii Food Tours
Organization:
E-mail: Tours@HawaiiFoodTours.com
Submitted on: 2/8/2012

Comments:

This bill, if passed, will hurt innumerable businesses, including mine.

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 08, 2012 9:33 PM
To: ERBtestimony
Cc: ken@hikemaui.com
Subject: LATE TESTIMONY - Testimony for HB2089 on 2/9/2012 8:30:00 AM

Testimony for ERB 2/9/2012 8:30:00 AM HB2089

Conference room: 312
Testifier position: Oppose
Testifier will be present: No
Submitted by: Kenneth Schmitt
Organization:
E-mail: ken@hikemaui.com
Submitted on: 2/8/2012

Comments:

This bill is another bad idea that will contribute to the demise of small business in Hawaii. If this passes, we will have to lower the wages of our employees to make up for it.

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 08, 2012 9:46 PM
To: ERBtestimony
Cc: luly.unemori2@hawaiiantel.net
Subject: LATE TESTIMONY - Testimony for HB2089 on 2/9/2012 8:30:00 AM

Testimony for ERB 2/9/2012 8:30:00 AM HB2089

Conference room: 312
Testifier position: Oppose
Testifier will be present: No
Submitted by: Luly Unemori
Organization: Individual
E-mail: luly.unemori2@hawaiiantel.net
Submitted on: 2/8/2012

Comments:

I oppose this bill. It would be yet another disincentive for companies to hire employees. This bill would impact small businesses the most, which means most businesses in Hawaii. My friend works at a small company. With the weak economy, her job was just converted from "employee" to "independent contractor", i.e, her company no longer has to pay for her benefits like sick leave. Bills like this one that increase the cost of doing business in Hawaii are likely to make it harder for companies to expand their workforce.

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 09, 2012 5:06 AM
To: ERBtestimony
Cc: Kyle@sequesthawaii.com
Subject: LATE TESTIMONY - Testimony for HB2089 on 2/9/2012 8:30:00 AM

Testimony for ERB 2/9/2012 8:30:00 AM HB2089

Conference room: 312
Testifier position: Oppose
Testifier will be present: No
Submitted by: Kyle Fields
Organization: Sea Quest Rafting Adventures
E-mail: Kyle@sequesthawaii.com
Submitted on: 2/9/2012

Comments:

As a small business in Hawaii, we are already struggling with skyrocketing health insurance premiums, unemployment premiums, and a multitude of other rapidly increasing expenses while at the same time facing a stagnant tourist economy. This bill is a great example of mindless legislation that is constantly introduced without any consideration for the economic impact it will have on already overburdened small businesses in our state. As legislators, you must do the intelligent thing and bring some semblance of balance into our state government.

BIA-HAWAII
BUILDING INDUSTRY ASSOCIATION

Testimony to the House Committee on Economic Development & Business

Thursday, February 9, 2012

8:30 a.m.

State Capitol, Room 312

RE: H.B. 2089 HD1, Relating to Health

Good morning Chair McKelvey, Vice Chair Choy, and members of the committee:

My name is Gladys Quinto Marrone, Government Relations Director for the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, BIA-Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii.

BIA-Hawaii is **strongly opposed** to H.B. 2089 HD1, which proposes to require 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. Essentially, this measure will apply to many small businesses with less than 10 employees that do not have a sick leave policy.

Businesses generally offer paid leave (i.e. vacation, sick leave, PTO) 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 or other reasons, and generally accommodate and work with them.

This “one-size fits all” approach, however, will hinder an employer’s flexibility in providing this benefit and result in additional direct and indirect costs. This is another mandate placed on businesses among others that already exist.

Moreover, for employers that already provide the benefit, this measure adds another layer of administrative burden. Many small businesses do not have the human resources capacity, or additional resources, to keep up with the regulatory requirements.

H.B. 2089 HD1 does not allow employers to verify whether the employee is taking “sick and safe leave” for the first three (3) days of absence. This bill prohibits employers from requesting reasonable documentation unless the “sick and safe leave” exceeds three consecutive days. And, it penalizes the employer for asking to verify whether someone is truly sick by requiring the employer to pay for the doctor’s note.

At a time when the State is placing an emphasis on jobs and the economy, this measure, and any other mandate that creates perceived or real additional costs, will undermine those efforts,

Rep. McKelvey, Chair
Economic Development & Business
February 9, 2012
HB 2089 HD1

hinder economic progress and entrepreneurial activity, and deter business investment in our State. During this uncertain state of the economy, the passage of this measure would be unfortunate and devastating for Hawaii's economic recovery.

Small businesses are especially vulnerable to any increase in costs, especially those who operate on low margins. This measure may force many small employers to offset higher costs through lower wages to their employees, fewer work hours, less pay raises, decreased discretionary benefits, and higher health care costs, or even increased costs for consumers. Even worse, for those companies on the "tipping point," any increase may force them to close shop.

For the foregoing reasons, BIA-Hawaii is **strongly opposed** to H.B. 2089 HD1.

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

LATE TESTIMONY

February 9, 2012

Honorable Angus L.K. McKelvey, Chair
Honorable Isaac Choy, Vice Chair
House Committee on Economic Revitalization and Business

starwood
Hotels and
Resorts

2155 kalakaua avenue, suite 300
honolulu, hi 96815
united states

RE: HB 2089, HD1 – Relating to Health - Oppose
ERB Committee – Conference Room 312, 8:30 AM

Aloha Chair McKelvey, Vice Chair Chair Choy and members of the committee:

My name is Keith Vieira, SVP Operations, Starwood Hotel & Resorts, Hawaii & French Polynesia (“Starwood”). I am testifying on behalf of Starwood in opposition to HB 2089, HD1 - Relating to Health.

Starwood diligently works to foster a nurturing environment for our employees and one of the ways we accomplish this is to provide a benefits program that is competitive and takes care of our employee’s needs. We have a good benefits program in place and provide our employees with an array of benefits. Our current sick leave plan for both bargaining and non-bargaining employees is generous and in most cases is greater than what is being proposed.

Our greatest concerns about the proposal are as follows:

- It would add burdensome requirements on employers to track and maintain records in keeping with the mandates of the bill.
- The expanded list of qualified reasons for utilizing sick and safe leave benefits will increase expenses because we would not normally pay sick leave in many of the instances. For example, under the proposed bill, “sick” leave shall include additional kinds of paid leave not currently available at most employers, such as time spent caring for a family member. Currently, this type of absence would constitute paid FMLA leave.
- The bill prohibits an employer from requiring documentation of the need for leave if the employee takes the leave in blocks of less than 3 consecutive days. This would severely limit an employer’s ability to address abuse of leave situations.

The federal Family Medical Leave Act (FMLA) and the Hawaii Family Leave Act (HFLA) for employees already provides appropriate safeguards and a safety net for employees to take additional leave to care for loved ones.

In closing, this bill proposes to add more costs and another layer of administration to our industry which are overly burdensome.

For these reasons, we respectfully urge members of the committee to hold this bill. Thank you for the opportunity to share our views on this matter.

Sincerely,

Keith Vieira
SVP Operations
Starwood Hotel & Resorts – Hawaii & French Polynesia



BIG ISLAND TOYOTA

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February 9, 2012

State Capitol
State of Hawaii

RE: House Bill 2089, HD1 and Senate Bill 2507

These bills which will require employers to provide paid sick and safe leave to employees and impose penalties for failure to provide meal breaks is vigorously opposed as a member of SHRM (Society of Human Resource Management), Hawaii Island Chamber of Commerce and a private employer of over 100 employees on the Big Island.

I respectfully oppose these measures for the significant implementation challenges and administrative burdens they would impose and for the potential for unintended consequences and costs.

My most significant concerns are as follows:

1. This bill creates a legal presumption of retaliation if a company disciplines or discharges a worker within 90 days after an employee takes such a leave. Because the leave may be taken incrementally, an employee could take leave frequently throughout the year and the 90 days time period shielding employees from discipline or discharge would never run;
2. The bill prohibits an employer from requiring documentation of the need for leave if the employee takes the leave in blocks of less than 3 consecutive days;
3. The bill would expand sick leave to employees who care for family members with a mental or physical illness, injury, or health condition; as well as family members who need medical diagnosis or care, or treatment of a mental or physical illness, injury or health condition; or a family member who needs preventive medical care.

Please seriously consider the perspective of a long-time employer and especially coming out of this recession to impose such a law would burden businesses further. We need time to recover and this bill would be unfair for employers to administrate and implement at a time where we should be concentrating our efforts at economic recovery.

Sincerely,

Jacqueline De Luz Watanabe
Vice President of Human Resources

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LATE TESTIMONY

From: carecompanions@aol.com
Sent: Thursday, February 09, 2012 7:36 AM
To: ERBtestimony
Cc: richard.schnitzler@gmail.com; djr@bigislandtoyota.com
Subject: LATE LATE TESTIMONY - HB 2089
Attachments: sharon's signature.JPG

To: Chair Mckelvey,
Vice Chair Choy
and members of the Committee on Economic Revitalization & Business

As a **small business owner**, as well as a member of the Small Business Regulatory Review Board, I personally "**Oppose**" the above captioned bill which requires 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.

This will **negatively affects all small businesses administratively, economically and operationally.**

Sharon Pang

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 09, 2012 7:33 AM
To: ERBtestimony
Cc: sailingmaui@yahoo.com
Subject: LATE LATE TESTIMONY - Testimony for HB2089 on 2/9/2012 8:30:00 AM

Testimony for ERB 2/9/2012 8:30:00 AM HB2089

Conference room: 312
Testifier position: Oppose
Testifier will be present: No
Submitted by: Peter Wood
Organization: Crystal Seahorse, LTD
E-mail: sailingmaui@yahoo.com
Submitted on: 2/9/2012

Comments:

This additional burden on employers would be devastating. We already pay full health insurance for all our employees at close to \$500. per month per employee. Add this new proposal to all the other new fees the State is trying to get from employers, and you will surely further deteriorate the state of the local economy by forcing more small businesses out of business. I strongly oppose.

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 09, 2012 8:03 AM
To: ERBtestimony
Cc: hieastsidebuilders@yahoo.com
Subject: LATE LATE TESTIMONY - Testimony for HB2089 on 2/9/2012 8:30:00 AM

Testimony for ERB 2/9/2012 8:30:00 AM HB2089

Conference room: 312
Testifier position: Oppose
Testifier will be present: No
Submitted by: Chris Owens
Organization: Individual
E-mail: hieastsidebuilders@yahoo.com
Submitted on: 2/9/2012

Comments:

I have been a small business owner in Hawaii for 18 years. I know how hard it is to keep a business profitable. This new requirement will be one more thing to add to the cost of having employees. As a construction contractor I am in a difficult position of competing with unlicensed builders working for cash wages. Of course this will not cost them anything, only the licensed companies following all the laws. This will make them even more appealing to people wanting to hire a builder. When I add up the present payroll burden I must pay it is about 34%. So now this will add another 1 or 2 %. I am already struggling to keep my employees off unemployment insurance. My clients will not want to pay a higher price. Do I cut the hourly rate of my employees to pay for this benefit? Please come to a sensible decision and make this an optional benefit for those employers who can afford this and want to do it.

Aloha...Chris Owens

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 09, 2012 9:23 AM
To: ERBtestimony
Cc: terryd@aloha.net
Subject: LATE LATE TESTIMONY - Testimony for HB2089 on 2/9/2012 8:30:00 AM

Testimony for ERB 2/9/2012 8:30:00 AM HB2089

Conference room: 312
Testifier position: Oppose
Testifier will be present: No
Submitted by: Terry Donnelly
Organization: Individual
E-mail: terryd@aloha.net
Submitted on: 2/9/2012

Comments:

I vehemently oppose this bill. The cost of doing business in hawaii is already higher than other states, add this and you discourage economic growth not to mention getting the state involved with how an a preson or company runs their business. Let the market decide, if an employee wants a job with sick pay benefits let them go find one.

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 09, 2012 10:20 AM
To: ERBtestimony
Cc: greenhawaii@msn.com
Subject: LATE LATE TESTIMONY - Testimony for HB2089 on 2/9/2012 8:30:00 AM

Testimony for ERB 2/9/2012 8:30:00 AM HB2089

Conference room: 312
Testifier position: Oppose
Testifier will be present: No
Submitted by: Christine Eason
Organization:
E-mail: greenhawaii@msn.com
Submitted on: 2/9/2012

Comments:

This bill is absolutely ridiculous. This state is unfriendly to big and small business and has a union mentality that is distroying free enterprise. Having lived in Hawaii for 25 years I have seen what the state has done to discourage small business on every front. Do not pass this bill. As employers, we are carrying too much of the burdon. State workers are given ridiculous benefits which are driving the state to ruin...don't add to the problem...we need help not more government interference.