



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

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HONOLULU, HAWAII 96813
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March 28, 2012

To: The Honorable Clayton Hee, Chair, Maile S.L. Shimabukuro, Vice Chair
and Members of the Senate Committee on Judiciary and Labor

Date: Wednesday, March 28, 2012

Time: 10:30 a.m.

Place: Conference Room 016, State Capitol

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

Re: H.B. No. 341, H.D. 4, S.D. 1 Relating to Employment Practices

I. OVERVIEW OF PROPOSED LEGISLATION

H.B. No. 341, H.D. 4, S.D. 1 proposes to add a new chapter to:

- Require employers to provide employees with a minimum of paid sick and safe leave.
- Add new definitions of family members and allowable leave.
- Add new eligibility requirements and types of coverage allowed under this part.

The Department of Labor and Industrial Relations (DLIR) appreciates the overall concept of the bill, but is concerned about the conflicting and inconsistent application of the bill.

II. CURRENT LAW

There is no law requiring employers to provide sick and safe leave for their employees.

III. COMMENTS ON THE HOUSE BILL

DLIR supports efforts by employers to assist employees by providing sick leave

and safe leave to take care of the various personal and family health issues that naturally arise in worker's lives. The provision of sick and safe leave may diminish private and public health care costs, protect the public health in the state, promote the economic security and stability of workers and their families, assist victims of domestic violence and their families and protect employees in the state from losing their jobs while they use sick and safe leave to take care of themselves and their families.

However, the DLIR has serious concerns with contradictory provisions in the proposal. For example:

- On page 14, section (4) lists some of the absences that would be available to an employee, including care for family members seeking medical attention for domestic violence. However, on page 15, line 15, the language indicates that the employee may only provide documentation of their own instance of domestic violence.
- On page 20, section 7 provides that the complainant would need to give written authorization to disclose the complainant's name. However, without the complainant's name, the DLIR would not be able to request any pertinent document and record from the employer to prove the alleged violation.
- Also, section (e) page 15 provides that the employer may require the employee to provide reasonable documentation relating to leave for domestic violence, sexual assault and other medical situations. However, section 8 on page 22 provides that an employer shall not require disclosure of of such details.

The DLIR is also concerned that the Wage Standards Division lacks the resources to implement this amendment. By adding a new law to enforce and requiring additional reporting requirements will further serve to increase an already over-burdened staff of five investigators statewide who are responsible for conducting more than 700 investigations and responding to more than 22,000 inquiries annually.

The DLIR defers to the Department of Human Resources Development as to the applicability to State employment issues and to the Department of the Attorney General regarding the section on page 21 on being able to file complaints directly to that office.



Senate Committee on Judiciary

March 28, 2012

10:30 a.m.

State Capitol, Room 016

RE: H.B. 341 HD4 Proposed SD1, Relating to Employment Practices

Good morning Chair Hee, Vice Chair Shimabukuro, and members of the committee,

The Kanoelehua Industrial Area Association, which represents over 240 businesses in East Hawaii is **strongly opposed** to H.B. 341 HD4 Proposed SD1, 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 who is ill, or a victim of domestic violence, sexual assault, or stalking. While we encourage the safety of our employees, this measure will apply to many small businesses with less than 100 employees that do not have a sick leave policy.

This bill would have a very negative effect on our member businesses. Adding unnecessary cost to employers, especially during a time when they can least afford it would only act to slow Hawaii's economic recovery. Businesses would be forced to lay off employees, cut benefits, hours, etc. to make ends meet. Those that cannot afford to comply will be forced out of business.

The Kanoelehua Industrial Area Association remains **strongly opposed** to H.B. 341 HD4 Proposed SD1. Thank you for the opportunity to testify on this measure.

Sincerely,

Craig S. Takamine

Kanoelehua Industrial Area Association Government Affairs Chair 2011-2012



To: Senate Committee on Judiciary and Labor
Hearing: Wednesday, March 28 2012, 10:30 A.M.
Conference Room 016
Re: HB 341, HD 4 Proposed 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 1,000 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 HB 341, HD 4: Relating to Employment Practices.

We are **opposed** to HB 341, HD 4 Proposed SD 1 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 or a victim of domestic violence, sexual assault, or stalking.

Our most significant concerns are as follows:

1. The administrative challenges and increased time requirements to implement, track, and maintain records for the sick and safe leave especially where such leave may be taken intermittently.
2. Although this bill does not displace any existing, more generous leave policy, it fails to define or provide guidance as to what constitutes “more generous.” There is no employer currently offering the same levels of proposed safe or sick leave given the proposed definitions. For example, under this 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. This would effectively constitute paid FMLA leave.
3. This bill creates a legal presumption of retaliation if a company disciplines or discharges a worker within 90 days after an employee takes such leave. Because the leave may be taken incrementally, an employee could take leave frequently throughout the year and the set day time period shielding employees from discipline or discharge would never run.
4. 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.

5. The anticipated legal, compliance, and administrative costs associated with providing sick and safe leave in this challenging economy. This will be felt acutely by most small businesses who may be unable to absorb additional costs. Larger employers will effectively be paying the cost of one more worker for every 30 they currently employ. Also consider the cost on the State Government at a time when the State's budget is stretched to its limit. This does not include the additional cost of administration.
6. When a benefit is "accrued" the employer is required to list it as a liability on its financial statements. For large employers this liability can be in the millions of dollars which can adversely affect their financial status and credit, which in turn negatively impacts the state's economy. These large employers comprise about 25% - 35% of the state's economy.
7. If sick leave is required by state law, federal government contractors and subcontractors will not be able to receive credit for providing the benefit for purposes of "prevailing wage" obligations. This means they must pay more money to their employees in wages, which drives up their contract costs, thus they will be less competitive in comparison to mainland contractors who come into the state for work. In other words, the sick leave bill will adversely affect government contractors/subcontractors which comprise approximately 20% of the state economy.
8. If sick leave is mandated in this manner it will likely convert sick leave into an employee welfare benefit plan governed by ERISA. As you know, states are not permitted to enact laws that "create" benefit plans due to the ERISA preemption. In short, the result will be a legal fight in federal court on ERISA preemption.

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.

We continue to review this bill and, if it advances, request to be a part of the dialog concerning it. Thank you for the opportunity to testify.



SHRM Hawaii, P. O. Box 3175, Honolulu, Hawaii (808) 447-1840

HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

To: The Honorable Clayton Hee, Chair
The Honorable Maile Shimabukuro, Vice-Chair
SENATE COMMITTEE ON JUDICIARY AND LABOR

From: Veronika Geronimo, Executive Director
Hawaii State Coalition Against Domestic Violence

RE: HB341 SD1 - SUPPORT

Hearing Date and Time: 3/28/2012 10:30:00 AM

The Hawai'i State Coalition Against Domestic Violence submits the following testimony in support of HB341 SD1. As a statewide coalition of domestic violence service providers, our mission is to engage communities and organizations to end domestic violence through education, advocacy, and action for social justice.

Domestic violence affects many employees. Although studies show that the majority of survivors are female (1 in four women, whereas 1 in 13 men, are survivors), domestic violence affects the lives of both men and women, children and adults, at home and in the workplace, in a variety of workplace settings and occupations. It cuts across all strata of society, without respect to income, ethnicity, culture, gender, sexual preference, age or disability. According to a survey conducted by Corporate Alliance to End Partner violence, 21% of 1,200 surveyed workers reported they currently were or have been a victim of domestic violence.

HB2089 would allow workers time off to care for their health, go to court, get a protective order, see a doctor, or find a safe place to live. Survivors of domestic violence often report that their perpetrator's abuse results in injuries and health care issues that have a significant impact on their work attendance. Sustained injuries such as broken bones, bruises, muscle strains, pregnancy complications due to abuse can prevent survivors from being able to report to work or perform certain job duties.

We request that the following be considered reasonable documentation under Section 3 (4)(e)(1):

A written, signed statement by a health care professional, victim or witness advocate, mental health provider, the employee's attorney, member of the clergy, or a social service or community based organization, indicating that sick and safe leave is necessary.

Survivors' safety may not necessarily involve medical or healthcare, nor may survivors seek out healthcare professionals, solely, when safe leave is necessary. They may feel more comfortable seeking assistance from a community-based agency or program. In addition, healthcare professionals may not be trained to assess levels of violence and danger that may require safe leave.

Studies have shown that a comprehensive workplace response to domestic violence, which includes paid sick and safe leave for employees who are surviving domestic violence will help make workers feels safe, secure and supported, which in turn increases worker productivity.

Thank you for your consideration of this important measure.



Before the Senate Committee on Judiciary and Labor

DATE:	Wednesday, March 28, 2012
TIME:	10:30 A.M.
PLACE:	Conference Room 016

Re: HB341 HD4 Proposed SD1, Relating to Employment Practices Testimony of Melissa Pavlicek for NFIB Hawaii

We are testifying on behalf of the National Federation of Independent Business (NFIB) in opposition to HB 341 HD4 Proposed SD1, relating to employment practices. NFIB Hawaii respectfully **opposes** this measure.

HB 341 HD4 Proposed SD1, requires employers to provide a minimum amount of paid sick and safe leave to employees to be used for themselves or a family members who is ill, needs medical care, or is a victim of domestic violence, sexual assault, or stalking.

When it comes to employers providing paid sick time to their employees, we believe government should not intrude in the employer/employee relationship. Small businesses are often family businesses or operate in a similar way. Many small employers are already flexible in accommodating employee needs and time off requests without conflict. It is inappropriate for the government to require a solution for a problem before a problem even exists.

The National Federation of Independent Business is the largest advocacy organization representing small and independent business 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.



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Kailua-Kona, HI 96740
Phone: 329-1758 Fax: 329-8564
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Testimony to the House Committee on Judiciary and Labor
Wednesday, March 28, 2012 at 10:30 a.m.
Conference Room 016
State Capitol
415 South Beretania Street

RE: HOLD HB 341 HD4 Proposed SD1

Dear Chair Hee, Vice Chair Shimabukuro and Members of the Committee,

My name is Vivian Landrum, and I am the President/CEO of the Kona-Kohala Chamber of Commerce (KKCC). KKCC represents over 520 business members and is the leading business advocacy organization on the west side of Hawai'i Island. KKCC also actively works to enhance the environment, unique lifestyle and quality of life in West Hawai'i for both residents and visitors alike.

The Kona-Kohala Chamber of Commerce urges you to HOLD HB 341 HD4 Proposed SD1, mandating businesses to provide mandatory paid sick leave.

Many of my members are small business owners with less than 10 employees. I know first hand they try to provide a positive work environment with benefits that encourage long-term employment. The challenge is how to provide the best possible benefits package, including health care premiums, and still retain a positive ROI that will allow for expansion and reasonable profitability.

This bill holds many questions. The intent of the bill may seem reasonable, however the implementation and use of the bill is challenging. For example, how is an employer to know whether an employee is taking time off simply to extend a vacation or create a three day weekend versus a reasonable request for medical or family related time off? Allowing the employer to offer this as a benefit on their own terms creates an easily managed program and would not promote the misuse of the time off, a better alternative than mandated leave. As employers are still working with scaled-down staffing, any unnecessary or unwarranted time off by employees can cause hardship for many.

The recent downturn is still affecting our members, with many cautiously optimistic about their futures. Instead of more workforce mandates, I would prefer to see our Legislators focusing on bills that encourage job creation and stability for our businesses, not measures that create more challenges and uncertainty.

For these reasons I urge you to hold this bill.

Mahalo for the opportunity to submit testimony.

Sincerely,

A handwritten signature in cursive script that reads 'Vivian Landrum'.

Vivian Landrum
President/CEO



- Government Employees Insurance Company
- GEICO General Insurance Company
- GEICO Indemnity Company
- GEICO Casualty Company

TIMOTHY M. DAYTON, CPCU, GENERAL MANAGER ALASKA & HAWAII
711 Kapiolani Blvd., Suite 300 ■ Honolulu, HI 96813-5238 ■ Email: tdayton@geico.com
Direct: (808) 593-1875 ■ FAX (808) 593-1876 ■ Cell: (808) 341-9252

House Committee on Judiciary and Labor
Wednesday, March 28, 2012, 10:30 a.m.
HB 341 HD4: Relating to Employment Practices

Chairman Hee, Vice-Chairman Shimabukuru, and members:

My name is Timothy Dayton, General Manager for GEICO, Hawaii's largest motor vehicle insurer. GEICO employs 170 people in Hawaii. GEICO opposes the passage of House Bill Number 341 HD4 for the following reasons:

- The bill creates an unnecessary burden for GEICO in providing an essential service to the people of Hawaii. The business of insurance requires consistent, timely, and efficient customer and claims service. Meeting the highly regulated requirements of the industry would prove challenging with a more unstable workforce.
- There are insufficient controls to minimize the potential for abuse.
- The bill imposes a substantial administrative burden on GEICO by requiring that separate records are kept for "sick and safe" leave.
- The immediate accrual of leave would require significant changes to GEICO's payroll process and it would also limit the progress of our new employee training classes.
- The bill appears to overlap with both the Federal and the Hawaii Family and Medical Leave Act which already provides employee protection including mandated employee sick leave.

GEICO respectfully urges the committee to hold HB 341 HD4.

Thank you for the opportunity to submit this testimony.

Timothy M. Dayton, CPCU



Senate Committee on Judiciary

March 28, 2012

10:30 a.m.

State Capitol, Room 016

RE: H.B. 341 HD4 Proposed SD1, Relating to Employment Practices

Good morning Chair Hee, Vice Chair Shimabukuro, and members of the committee,

The Hawaii Island Contractors Association, which represents over 130 businesses on Hawaii Island is **strongly opposed** to H.B. 341 HD4 Proposed SD1, 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 who is ill, or a victim of domestic violence, sexual assault, or stalking. While we encourage the safety of our employees, this measure will apply to many small businesses with less than 100 employees that do not have a sick leave policy.

This bill would have a very negative effect on our member businesses. Adding unnecessary cost to employers, especially during a time when they can least afford it would only act to slow Hawaii's economic recovery. Businesses would be forced to lay off employees, cut benefits, hours, etc. to make ends meet. Those that cannot afford to comply will be forced out of business.

The Hawaii Island Contractors Association remains **strongly opposed** to H.B. 341 HD4 Proposed SD1. Thank you for the opportunity to testify on this measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig S. Takamine". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Craig S. Takamine

Hawaii Island Contractors Association President 2011-2012



55 Merchant Street
Honolulu, Hawai'i 96813-4333

HAWAII PACIFIC HEALTH
Kapi'olani • Pali Momi • Straub • Wilcox

808-535-7401
www.hawaiipacifichealth.org

Wednesday – March 28, 2012 – 10:30am
Conference Room 016

The Senate Committee on Judiciary & Labor

To: Senator Clayton Hee, Chair
Senator Maile Shimabukuro, Vice Chair

From: Chuck Sted
Chief Executive Officer

Re: **HB 341 HD4 Proposed SD 1 RELATING TO EMPLOYMENT PRACTICES**
Testimony in Strong Opposition

My name is Chuck Sted, Chief Executive Officer of Hawai'i Pacific Health (HPH). HPH is a nonprofit health care system and the state's largest health care provider anchored by its four nonprofit hospitals: Kapi'olani Medical Center for Women & Children, Pali Momi Medical Center, Straub Clinic & Hospital and Wilcox Memorial Hospital on Kauai. HPH is 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, more than 5,400 employees and 1,300 physicians on staff.

We are writing in **strong opposition** to HB 341 HD4, Proposed SD1 Relating to Employment Practices 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 employees 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 the Hawai'i Medical Centers 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 further erode those margins, required to sustain the health care delivery system, 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 benefit packages we currently offer in order to accommodate the additional costs of this bill.

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



Affiliates of Hawai'i Pacific Health



Alan Shintani INC.
GENERAL CONTRACTOR BC 13068

March 28, 2012

Senator Clayton Hee, Chair
Senator Maile Shimabukuro, Vice-Chair
Senate Committee on Judiciary and Labor
State Capitol, Room 016, 10:30am
Honolulu, Hawaii 96813

RE: H.B. 341 HD4 Proposed SD1, Relating to Employment Practices

Dear Chair Hee, Vice-Chair Shimabukuro, and Members of the Committees:

Alan Shintani, Inc. is **strongly opposed** to H.B. 341 HD4 Proposed SD1, 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 who is ill, or a victim of domestic violence, sexual assault, or stalking. We encourage the safety of our employees, but this measure will apply to many small businesses with less than 100 employees that do not have a sick leave policy. Alan Shintani, Inc. along with other Hawaii businesses already overburdened with taxes and other costs like mandatory health insurance for all employees, are struggling to survive. Many businesses have closed their doors because they are unable to cover all the costs of doing business in Hawaii.

Alan Shintani, Inc. offers paid leave (i.e. vacation, PTO, leave of absences) to employees to create a healthy work environment in order to foster a positive relationship with its employees. We understand that employees will occasionally require leave from work due to a legitimate sickness or other reason and we will work with the individual to accommodate the request and do not need another law mandating us to do so.

H.B. 341 HD4 Proposed SD1 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. This bill will also penalize the employer for asking for verification whether someone is truly sick by requiring that the employer pay for a doctor's note.

This "one-size fits all" approach, however, will hinder our flexibility in providing this benefit and result in additional direct and indirect costs. This would be an additional mandate placed on us and other Hawaii businesses that already have numerous existing requirements increasing costs.

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 involved.

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 would be unfortunate and devastating for Hawaii's economic recovery.

Hawaii's economy is already struggling. Small businesses are especially vulnerable to any increase in costs, especially those who are operating 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. Many businesses have already had to close their doors due the additional costs of doing business in Hawaii. Hawaii's businesses and economy needs help, not additional burdens.

For the foregoing reasons, Alan Shintani, Inc. is **strongly opposed** to H.B. 341 HD4 Proposed SD1.

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

Sincerely,

A handwritten signature in cursive script that reads "Alan Shintani".

President
Alan Shintani, Inc



Your Neighbor Island Partner

Pier 40, P.O. Box 3288, Honolulu, HI 96801-3288
Ph: (808) 543-9311 Fax: (808) 543-9458
www.youngbrothershawaii.com

WRITTEN TESTIMONY ONLY (IN OPPOSITION)

SENATE COMMITTEE ON JUDICIARY AND LABOR
THE HONORABLE CLAYTON HEE, CHAIR
THE HONORABLE MAILE S.L. SHIMABUKURO, VICE CHAIR

HOUSE BILL NO. 341, HOUSE DRAFT 4, PROPOSED SENATE DRAFT 1, scheduled for hearing on March 28, 2012

Testimony of Dean Kapoi,
Vice President of Human Resources and Labor Relations,
Young Brothers, Limited

Chair Hee, Vice Chair Shimabukuro, and Members of the Senate Committee on Judiciary and Labor:

Thank you for the opportunity to testify on House Bill No. 341, House Draft 4, Proposed Senate Draft 1 (**HB 341 Proposed SD1**).

Young Brothers, Limited (Young Brothers) opposes HB 341 Proposed SD1. The legislation proposes to amend the Hawaii Revised Statutes by adding a new chapter entitled "Paid Sick and Save Leave." The amending chapter would apply to all employees who work in the State. Aside from prohibiting discrimination, retaliation, discipline, discharge or any other adverse action against an employee who uses sick leave, employers would be required to: (1) accrue a certain (as yet undetermined) amount of sick leave hours for every (as yet undetermined) number of hours worked; (2) allow employees to begin using accrued leave after a certain period of time; and (3) carry over unused sick leave from year to year up to a certain maximum.

Other proposed provisions would require employers to: (a) transfer any unused sick leave to different entities, locations or divisions of the company, although no cash out is required upon retirement or separation from employment; (b) permit employees to use the sick leave for their own illnesses and injuries, preventive medical care, care of family members, taking family members for preventive medical care, in the event their workplace or child's school is closed due to a public health emergency, and in domestic violence situations (i.e. during victim's leave); (c) grant leave based upon oral requests from the employee; (d) provide leave (to exempt and nonexempt employees) in less than hourly increments; (e) pay for the fees incurred by the employee if a medical certificate is required for absences that are three or more days; and (f) provide extensive written notices and postings to employees. There are also extensive recordkeeping requirements.

Young Brothers believes there are federal and state laws that already adequately protect employees from improper sick leave management practices and that govern the manner in which sick leave is applied and accounted for. Adding this additional statutory provision would simply invite another avenue for disputes and litigation, very likely over interpretation of whether an employee's use of sick or safe leave is "necessary." Moreover, the impact of this proposed legislation on the current regime of federal and state laws regarding sick leave management has not been adequately studied, if at all. We understand that there may be preemption issues that could lead to lawsuits. Lastly, and perhaps most significantly, the legislation places on employers an additional, undefined, and likely very costly obligation to accrue a certain (as yet undetermined) amount of sick leave hours for every (as yet undetermined) number of hours worked. The potential operational, financial, recordkeeping, and legal burden on businesses comes at a time when they can least bear any drain on their strained resources.

Employees certainly are entitled to protection of their sick leave, but employers must also be able to take reasonable actions against abusers of sick leave benefits without the threat of litigation. Otherwise, sick leave benefit abuse can have a demoralizing impact on other employees who must often shoulder additional work and who see unfairness in the lack of consequences for those who abuse sick leave benefits.

Thank you for this opportunity to testify.

hee6 - Dinna

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 27, 2012 10:23 AM
To: JDLTestimony
Cc: jackie@fair-wind.com
Subject: Testimony for HB341 on 3/28/2012 10:30:00 AM

Testimony for JDL 3/28/2012 10:30:00 AM HB341

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Jackie Moore-Andresen
Organization: Fair Wind Cruises
E-mail: jackie@fair-wind.com
Submitted on: 3/27/2012

Comments:

We strongly oppose the bill as written. Mandating employers to pay a minimum amount of 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, rising unemployment taxes, 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 would be counterproductive.

The legal presumption that any adverse employment action taken within 90 days of when an employee takes paid sick leave (1) creates an undue restriction on employer's ability to effectively manage their workforce and (2) allows for serious abuse by employees.

It is our position this should be kept a discretionary benefit based on a company's resources, staffing requirements, and resources and not mandated by legislation.

hee6 - Dinna

From: laulauwood@gmail.com
Sent: Tuesday, March 27, 2012 10:41 AM
To: JDLTestimony
Subject: Please do not pass HB 341 HD4 Proposed SD1

Aaron Lau
932 Kapahulu Ave
Honolulu, HI 96816-1435

March 27, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

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 will be detrimental to my business. It's already difficult to survive this economic downturn.

I respectfully ask that HB 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

Aaron Lau

hee6 - Dinna

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 27, 2012 10:45 AM
To: JDLTestimony
Cc: arron@bigislandelectric.com
Subject: Testimony for HB341 on 3/28/2012 10:30:00 AM

Testimony for JDL 3/28/2012 10:30:00 AM HB341

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: arron biber
Organization: Big Island Electric, Inc.
E-mail: arron@bigislandelectric.com
Submitted on: 3/27/2012

Comments:

My company employees 15 people. I have not recieved a paycheck for over a year. I am living at a bare minimum and am ok with that because we are surviving. Why do you want to add even more burden on top of the hardship the economy has already handed us. That state profits more from my business then I do and you always look to us to pay more. I am just gettting by and you want to mandate me to pay sick leave on top of extended unemployment to a mass of population inundated with Employer abuse propaganda and stick it to the man mentality.

hee6 - Dinna

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 27, 2012 11:16 AM
To: JDLEstimony
Cc: gwen@bikevolcano.com
Subject: Testimony for HB341 on 3/28/2012 10:30:00 AM

Testimony for JDL 3/28/2012 10:30:00 AM HB341

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Gwendolyn Hill
Organization: BikeVolcano.com, Inc.
E-mail: gwen@bikevolcano.com
Submitted on: 3/27/2012

Comments:

To Whom It May Concern:

I strongly oppose the above mentioned bill. How can you legislator be considering a bill that is going to add more overhead to existing business? Employees are lucky to have a job right now. Just in case you lawmakers are so out of touch about what it is like to create a job and income for yourself and employees, it is a difficult task. The last thing that we business owners need is another expense from the State to add to the rising prices of gas, food, etc. while trying to offer an affordable service to our customers.

If your committee decides to approve this bill I will be forced to decrease the wages paid to my employees. The money essentially will come from their pockets. I will also inform my employees what lawmakers made this decision and encourage everyone to remember the names of this committee at election time.

What we need in our government is smarter people making decisions such as economist, entrepreneurs, accountants, and business majors. The State does not have the right to make a decision such as paid leave for my employees. If the State wants to make that decision then it should provide my company with the funds and substitute staff to implement it.



Office
(808) 733-5562
Hawaii (808)
(808) 935-0737

Senator Clayton Hee
Senate Judiciary & Labor Committee
415 So. Beretania St.
Honolulu HI 96813

Dear Senator Hee and Committee Members:

I am writing today in opposition to HB341 HD4 SB1. As a small business owner I pride myself on the way I treat my employees. I have also been in a policy role for a variety of non-profits over my years as a volunteer. In all of these situations I have looked at sick leave policy as a guideline.

I do not have a written specific sick leave policy. I trust my employees. They trust me. If someone is out for an extended period of time I want to know what is wrong so that I can better assist them. Not because I doubt their sincerity. When my employee's children are sick that is the same as the employee being sick. There is no sense in having the parent of a sick child in the work place. They belong with their child so that the child can heal more quickly. The quicker the child is well the quicker the parents mind is at ease enabling them to be a more productive employee.

For government to tell me how to care for my employees, how to run my business is frankly down right Un-American. Please hold this bill. It does not serve good public purpose.

Additionally in the preamble to the draft SD1 posted I find lots of discussion of persons who are discriminated against. It struck me as unusual to find the numerous claims without the actual justifying material being provided or the source referenced. Therefore I question the validity of the claims made.

With Aloha,

Mary Begier, Realtor®

Referral & Relocation Certified / 1998 Aloha Aina Realtors Choice Award
Certified Residential Specialist / Certified Residential Broker
2001 Realtor® of the Year Hawaii Assoc. of Realtors®
2001 Realtor® of the Year Hawaii Island Board of Realtors®
2002 Realtor® of the Year Honolulu Board of Realtors®
2003 President Honolulu Board of Realtors®
2006-2012 Hawaii Island Commissioner Hawaii State Foundation on Culture & the Arts
2007 President Hawaii Island Board of Realtors®
2008-09 President Rotary Club of Hilo Bay
2009-2010 President Hawaii Island Chamber of Commerce



ABC STORES

766 Pohukaina Street
Honolulu, Hawaii 96813-5391
www.abcstores.com

Telephone: (808) 591-2550
Fax: (808) 591-2039
E-mail: mail@abcstores.com

TESTIMONY IN OPPOSITION

**To the Chair and Committee Members
Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair**

**SENATE COMMITTEE ON JUDICIARY AND LABOR
HB 341, HD4 Proposed SD1 - Relating to Employment Practices**

**Wednesday, March 28, 2012
10:30a
Conference Room 016**

My name is Paul Kosasa, President and CEO of ABC Stores, a local company doing business for over 60 years, and employs over 800 Hawaii residents.

We OPPOSE HB 341, HD4 Proposed SD1 - Relating to Employment Practices.

ABC Stores has and have always had a sick leave policy for its employees. Our sick leave policy has been accepted by all of our employees without a single complaint. With respect for the Legislature's interest to protect the people of Hawaii, we feel that the legislature should not interfere or mandate sick leave laws that we have successfully practiced for many years.

We also feel that the proposed bill may create more financial burdens for small businesses who cannot afford any additional costs to continue to do business in our State.

Thank you for your consideration and the opportunity to submit testimony.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Paul Kosasa", written over a printed name and title.

**PAUL KOSASA
President & CEO**

hee6 - Dinna

From: Ann Takaki
Sent: Tuesday, March 27, 2012 11:44 AM
To: JDLTestimony
Subject: FW: HOLD HB 341 HD4 Proposed SD1

Was sent to the house by mistake.

From: House Clerk's Office
Sent: Tuesday, March 27, 2012 11:41 AM
To: Ann Takaki
Subject: FW: HOLD HB 341 HD4 Proposed SD1

From: Noel Ackerman [mailto:noel@bigislandtv.com]
Sent: Tuesday, March 27, 2012 11:30 AM
To: House Clerk's Office
Subject: HOLD HB 341 HD4 Proposed SD1

Testimony to the House Committee on Judiciary and Labor
Wednesday, March 28, 2012 at 10:30 a.m.
Conference Room 016
State Capitol
415 South Beretania Street

RE: HOLD HB 341 HD4 Proposed SD1

Dear Chair Hee, Vice Chair Shimabukuro and Members of the Committee,

I am the owner of Ackerman-Black Productions, dba Big Island Television, a video production company that employees five (5) people. I have been in business for over 20 years and I am OPPOSED to this mandate.

My employees are our greatest assets and my company has gone to great lengths to take of them in these hard economic times, to maintains all their benefits, and basically keep them employed! I have streamlined my business to the bare bones ...there's no where left to cut except to let employees go and that I do not want to do.

I pay 100% of their medical insurance with HMSA, purchasing the best program possible (PPO) because I place such high value on their health and medical needs. I give them 3 weeks paid vacation, as well as flex time for their families and other personal needs; to say the least of Workman's Comp, TDI, Social Security and the list goes on! Profit margins are precarious enough, if any.

I cannot afford another mandate by the government that will place more financial and bureaucratic burdens on my company. This bill is UNNECESSARY!

I respectfully ask that HB 341 HD1 Proposed SD1 be held in committee.

Thank you for the opportunity to submit testimony.

Respectfully,

Noel Black

hee6 - Dinna

From: debora@nssoapfactory.com
Sent: Tuesday, March 27, 2012 11:56 AM
To: JDLTestimony
Subject: Please do not pass HB 341 HD4 Proposed SD1

Debora Driscoll
POB 209
Waialua, HI 96791-0209

March 27, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

Debora Driscoll
North Shore Soap Factory
Skincare Manufacturer & Retail

Our employees are important to us! We provide benefits we can afford, taking care of each employee, everyday.

A mandate would only add more admin time & costs. And these costs would take away from some employee benefits, thereby negating what it is trying to do.

I respectfully ask that HB 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

Debora Driscoll
8086378400

hee6 - Dinna

From: shelley@wilsonhomecare.net
Sent: Tuesday, March 27, 2012 12:11 PM
To: JDLTestimony
Subject: HB 341 HD4 Proposed SD1 will hurt small businesses

Shelley Wilson
Wilson Homecare
Honolulu, HI 96814

March 27, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

Our company priority and asset are our employees. Therefore, we do everything we can to create a positive work environment and provide benefits that we can afford. I believe placing additional mandates on businesses is extremely detrimental in an already challenging time. The business climate in Hawaii is viewed by many globally as being unfriendly and we continue to propose legislation to make it even more difficult and costly to develop new business. If this legislation passes, other employee benefits will have to be forfeited to pay for another mandate. I am not supportive of this legislation and urge you to reconsider your position.

I respectfully ask that HB 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

Shelley Wilson
596-4486

hee6 - Dinna

From: cizuka@hawaii.rr.com
Sent: Tuesday, March 27, 2012 12:16 PM
To: JDLTestimony
Subject: Please HOLD HB 341 HD4 Proposed SD1

Christy Izuka
1276 Young Street
Honolulu, HI 96814-1867

March 27, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

My employer understands the importance of its employees. Benefits are provided to create a positive work environment and minimize employee turnover. Having good employees helps the employer to remain competitive in business. Government-mandated employee benefits may have the effect of causing an employer to reduce a similar, existing benefit program to pay for the higher costs associated with the government benefit program.

This bill is incomplete! I find this bill extremely unfair to an employer because the bill is written like a blank check. Major sections of the bill, such as the benefit accrual rate, start date and carryover of hours are blank. The bill as written gives the impression that the House of Representatives doesn't care about the cost because it comes out of the employer's pocket. Will there be adequate time for employers to provide proper feedback on this legislation after the blanks are filled in?

Although incomplete, it appears this mandated benefit will be more costly to the employer. Abuse of the benefit will increase because of the mandated (lack of) documentation rules. Business operations will suffer because not all operations will be able to cover a missing worker.

Employers are penalized for requiring documentation by having to pay for it.

Passage of this law will have negative effects: minimized hiring of new employees to avoid the mandated benefits, and revamping of existing sick leave benefits to the detriment of employees with more years of service and good attendance records.

I respectfully ask that HB 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

Christy Izuka

hee6 - Dinna

From: pat@deepecologyhawaii.com
Sent: Tuesday, March 27, 2012 12:21 PM
To: JDLTestimony
Subject: Please HOLD HB 341 HD4 Proposed SD1

Patricia Johnson
66-456 Kamehameha Highway
City, HI 96712-1468

March 27, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

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

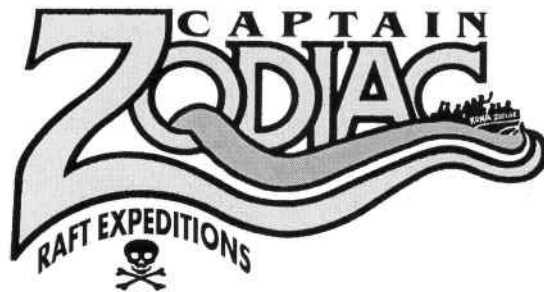
I have a small business and complying with this mandate will be detrimental to my business. It's already difficult to survive this economic downturn.

Our company priority and asset are 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 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

PATRICIA JOHNSON
8086377946



PO Box 5612
74-425 Kealakehe Parkway #16
Kailua-Kona, HI 96740

Phone (808) 329-3199
Fax (808) 329-7590
Pirates@CaptainZodiac.com

May 1, 2011

Testimony to the House Committee on Judiciary and Labor
Wednesday, March 28, 2012 at 10:30 a.m.
Conference Room 016
State Capitol
415 South Beretania Street

RE: HOLD/KILL HB 341 HD4 Proposed SD1

Dear Chair Hee, Vice Chair Shimabukuro and Members of the Committee,

I am William Zabolski, President of Kona Zodiac Ltd, we operate a tourist based business in Kailua Kona, HI and have 15-20 employees.

When politicians continue to praise the small business owners as the driving force in reducing unemployment and invigorating the economy, I cannot think of a worse way to kill my incentive to hire more people if I have to give them free days off as a mandate from the state.

Now I am a compassionate person and help my employees out whenever they need extra work, time off, etc. But to mandate that I provide a certain amount of 'free' days off with pay, is a huge financial burden on my company. It's especially unfair to mandate this for temporary and part time employees, why would I hire a temporary or part time if they had frequent days off that I paid but got no work in return? Without requiring reasonable accountability as to what the emergency was, abusing this privilege is a real probability.

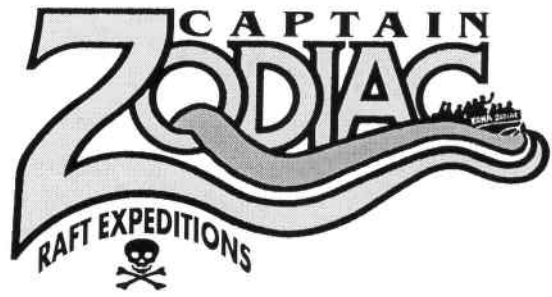
It would cause me to reduce salaries because I have to pay for 2 employees for the same job should one take advantage of this leave. It would influence my hiring decisions away from people who may be likely to have frequent issues.

We already have a semi-socialistic state in that we provide over 12 months of unemployment benefits and do not even require these people to look or document seeking a job. I know of several past employees that continued to work 'under the table' and double dip benefits. Will the next mandate will be for 4 weeks of paid vacation for all.

I respectfully ask that HB 341 HD1 Proposed SD1 be held in committee. Thank you for the opportunity to submit testimony.

WJ Zabolski

William J. Zabolski
President



Kona Zodiac Ltd. dba Captain Zodiac

hee6 - Dinna

From: mdelaney@thehawaiigroup.com
Sent: Tuesday, March 27, 2012 12:31 PM
To: JDLEstimony
Subject: Please HOLD HB 341 HD4 Proposed SD1

Matthew Delaney
500 Ala Moana Blvd, Suite 2-302
Honolulu, HI 96813-4993

March 27, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

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 already provide PTO benefits to all of my employees, who are eligible upon hire. It is not necessary to make it mandatory and provide another regulation Hawaii businesses must comply with.

Our company priority and asset are 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 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

Matthew S Delaney
808-695-2222

hee6 - Dinna

From: wendy@op-hawaii.com
Sent: Tuesday, March 27, 2012 12:46 PM
To: JDLTestimony
Subject: Please HOLD HB 341 HD4 Proposed SD1

Wendy Shewalter
1240 Ala Moana Blvd Suite 600
Honolulu, HI 96814-4265

March 27, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

Please stop these bills that drive the cost of business up which then means fewer dollars to hire employees. There are enough laws on the books that restrict employers from doing business in the State of hawaii.

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 already provide benefits to my employees giving them over 16 days of paid leave to take at their discretion, numerous holidays and flex time.

If this bill is passed, it will force me to reduce or even eliminate some of them.

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

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

Thank you for your consideration.

I respectfully ask that HB 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

Wendy Shewalter

hee6 - Dinna

From: lasw9797@gmail.com
Sent: Tuesday, March 27, 2012 12:56 PM
To: JDLTestimony
Subject: HB 341 HD4 Proposed SD1 - Please Kokua & HOLD

L. Ann Wong
1404 Kalaniiki St
HONOLULU, HI 96821-1216

March 27, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

We value our employes and we provide benefits that create a good work environment. We would like to maintain our ability to operate and also create new jobs for other less fortunate unemployed people.

With more mandated laws such as this mandatory sick leave bill, it will not provide companies the ability to move forward or even sustain. As the economy of Hawaii has not been at a good and favorable pace, as seen in our high gasoline prices, cost of living, etc. , we put our state at a disadvantage.

Hawaii already has a mandated temporary disability insurance law (TDI) that provides sick employees pay while out on sick. Also, many paid sick leave plans are providing, above and beyond the TDI law, by giving their employees the opportunity to take sick time off to take care of their sick family members.

If you, our legislators are responsible government officials, please carefully think how this bill will affect many mid and small size companies, of which Hawaii is composed of. This will affect our farmers who provide "LOCAL" produce, our local manufacturers. Our aina and local business will need to be acquired by the larger mainland companies who can afford luxury benefits, since they have a larger overhead profit base to manipulate.

Please kokua and keep Hawaii in business! It is our kuleana to keep our ohana employed and business flourishing.

Mahalo for your consideration!

I respectfully ask that HB 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Respectfully

L. Ann Wong

hee6 - Dinna

From: efujimoto@youngsmarket.com
Sent: Tuesday, March 27, 2012 2:01 PM
To: JDLEstimony
Subject: Please HOLD HB 341 HD4 Proposed SD1

Eric Fujimoto
3071 Aukele Street
Lihue, HI 96766-1465

March 27, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

My name is Eric M. Fujimoto and I am the Vice President/Sales Manager for the island of Kauai for Young's Market Company of Hawaii. Young's Market is a wholesale spirits and wine distributor on Oahu, Maui, Kauai and the Big Island. We have been in Hawaii for over 40 years. Our Company already provides excellent health benefits and a very generous amount of paid sick leave to our employees. Your proposal to require 1) sick leave benefits for temps and part timers, 2) prohibit an employer from requiring a Doctor's note for sick leave that do not exceed three days, and 3) require that we pay for a Doctor's note when allowed is another piece of legislation that we do not need. We cannot afford this type of Government mandate. The additional cost and additional administrative cost to our Company could eliminate jobs for the working class of Hawaii. We employ over 170 employees in the State of Hawaii and we provide family medical coverage at a cost of almost \$900 to the Company per employee. The employee pays less than \$200 per month for their portion. This mandate to add benefits will force us to cut the employer portion of health care we currently provide and this will have a direct impact on our employees! The working class in Hawaii already deals with one of the highest cost of living with a lower pay scale than many other metropolitan cities. Hawaii does not need another government imposed mandate that will ultimately hurt the working class. Employers will pass the cost to the employees one way or another- jobs, decrease employer benefits, etc. We need to stop handing out excessive entitlements and start building Hawaii businesses to create more jobs and put people back to work.

Mahalo,

ERIC M. FUJIMOTO
Vice President|Sales Manager, Island of Kauai

I respectfully ask that HB 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

Eric Fujimoto
(808) 245-4734

hee6 - Dinna

From: nimboy44@aol.com
Sent: Tuesday, March 27, 2012 3:36 PM
To: JDLTestimony
Subject: Please hold HB 341 HD4 Proposed SD1

William Quinlan
58-115 Napoonala Place
Haleiwa, HI 96712-8703

March 27, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

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

I respectfully ask that HB 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

William Quinlan

hee6 - Dinna

From: gsakuda@fiveomarketing.com
Sent: Tuesday, March 27, 2012 3:41 PM
To: JDLTestimony
Subject: Please hold the mandatory paid sick leave bill

Glenn Sakuda
115 Mokauea St
Honolulu, HI 96819-3153

March 27, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

My name is Glenn Sakuda, I represent Five O Marketing Services, Inc. We are a food distribution company of 50 people.

I already provide 10 - 20 working days per year of paid vacation, paid medical w/drugs, dental & vision benefits . If this bill is passed, it will force me to reduce or even eliminate some of the vacation days to compensate. To mandate 3, 4, 5 days or whatever means the employee will take that amt. off and the bad part about it is now it will be unplanned for so we'll have overtime for the others to cover for the missing employee. I don't think too many employees will say "BTW, I'll be sick next tues". I don't need to add another job to track the number of days off each employee is taking off each year. Some people won't abuse the system but there would be more people trying to take advantage of getting free money.

Instead of trying to spend unnecessary monies, how about trying to help employers save money. Why is it necessary for 2 employers to pay for medical for the same employee if they work more than 19 hours at the 2nd job?

Thank you.

I respectfully ask that HB 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

Glenn Sakuda

hee6 - Dinna

From: jon.miyata@hpmhawaii.com
Sent: Tuesday, March 27, 2012 4:01 PM
To: JDLEstimony
Subject: Please do not pass HB 341 HD4 Proposed SD1

Follow Up Flag: Follow up
Flag Status: Flagged

Jon Miyata
60 Keaa Street
Hilo, HI 96720-4708

March 27, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

March 27, 2012

Senator Clayton Hee, Chair
Committee on Judiciary and Labor

Re: HB41 HD4, Proposed SD1
Mandatory Sick Leave

I am writing on behalf of the membership of the Hawaii Island Chamber of Commerce, which represents both large and small businesses on Hawaii Island and has approximately 240 member businesses comprising more than 500 individual members and ask that you hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

Currently, most of our member businesses are struggling in this poor economic climate. Another mandate placed on our businesses will increase costs and make it even harder for them to survive. I constantly talk with our members and although there may be signs of improvement, Hawaii Island businesses are still operating on slim margins. Added burdens will only serve to force our businesses to make tough choices. This includes the elimination of other benefits to going as far as eliminating headcount.

At this point in time, if you wish to see our economy prosper, please focus your efforts on stimulating the economy rather than making it more burdensome for business. Accordingly, we respectfully ask that HB 341 HD1 Proposed SD1 be held in committee.

Thank you for your time and providing me with the opportunity to provide this testimony.

Very truly yours,

Jon Y. Miyata
Senior Vice President

I respectfully ask that HB 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

Jon Miyata
8089388012

hee6 - Dinna

From: saic@maunalani.org
Sent: Tuesday, March 27, 2012 4:11 PM
To: JDLTestimony
Subject: Please hold the mandatory paid sick leave bill

Follow Up Flag: Follow up
Flag Status: Flagged

Sai Chantavy
5113 Maunalani Circle
Honolulu, HI 96816-4019

March 27, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

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

I already provide benefits sick leave and other benefits beyond the requirements of any mandates. If this bill is passed, it will force me to reduce or even eliminate some of them.

I respectfully ask that HB 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

Sai Chantavy
(808)732-0771

hee6 - Dinna

From: patlim@hawaii.rr.com
Sent: Tuesday, March 27, 2012 4:31 PM
To: JDLTestimony
Subject: HB 341 HD4 Proposed SD1 will hurt Hawaii's job market

Patrick Lim
284 Kinoole St #101
Hilo, HI 96720-2921

March 27, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

Our company priority and asset are 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 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

Patrick Lim

hee6 - Dinna

From: m2drace@juno.com
Sent: Tuesday, March 27, 2012 4:36 PM
To: JDLTestimony
Subject: Please HOLD HB 341 HD4 Proposed SD1

Michael Drace
224 Kuuahale
Kailua, HI 96734-2942

March 27, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

I am the General Manager of Young Laundry and Drycleaning, which currently has 140 employees. Our sick leave policy is well explained before employees are hired.

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

With the rising costs of utilities, fuel, supplies, and healthcare, we are just barely keeping our heads above water. We CANNOT afford any additional costs at this time.

Please kill this bill once and for all.

I respectfully ask that HB 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

Michael E. Drace
808 843 3740

hee6 - Dinna

From: sknox@hi-employment.com
Sent: Tuesday, March 27, 2012 4:56 PM
To: JDLTestimony
Subject: Please hold HB 341 HD4 Proposed SD1

Sean Knox
500 Ala Moana Blvd
Honolulu, HI 96813-4920

March 27, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

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

I already provide benefits to our employees from their date of hire.

Our company priority and asset are 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 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

Sean Knox
8086952222

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 27, 2012 5:32 PM
To: JDLTestimony
Cc: babyjean@hotmail.com
Subject: Testimony for HB341 on 3/28/2012 10:30:00 AM

Testimony for JDL 3/28/2012 10:30:00 AM HB341

Conference room: 016
Testifier position: Support
Testifier will be present: No
Submitted by: Ronnie Perry
Organization:
E-mail: babyjean@hotmail.com
Submitted on: 3/27/2012

Comments:

I strongly support paid sick leave for employees. Please pass this bill.

ABBHEY VACATION RENTALS

Purveyors of Paradise

January 24, 2012

RE: Testimony Opposing HB 341

I would like to voice my opposition of HB 341 SD1. We are a very small tourism business. Our employees are our greatest asset, and we take care of them accordingly. We carry their health care insurance costs, pay 100% of TDI coverage costs, pay Workmen's compensation as well as our employer sponsored 401K program.

In the past few years, we have supported several of our employees as they managed through prostate cancer, gall bladder removal, and throat surgery.

During all of these events, none of the effected employees had their "sick days" counted. They took as much time as needed, and we trusted that they would not take advantage of our approach.

HB 341 seeks to impose the government further into our business, by mandating the approach and costs that I as an employer must bear. Hawaii mandated costs to business is already high to the extreme, and initiatives like HB 341 just chase business and jobs away from Hawaii. It doesn't help employees, it takes their jobs way, as well intruding into the relationship between the employer and employee.

For these reasons, I would ask that HB 341 SD1 be deferred by the committee.

Mahalo,

Dan Monck
Abbey Vacation Rentals

From: jarce@tmghawaii.com
Sent: Tuesday, March 27, 2012 6:11 PM
To: JDLEstimony
Subject: Please HOLD HB 341 HD4 Proposed SD1

Jeff Arce
1062 Iiwi Street
Honolulu, HI 96816-5111

March 28, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

Small business owners are already suffering from rising costs on all fronts. Prices simply can not be increased to cover these costs. Margins are shrinking and eventually many small (and large too) businesses will close down.

This bill is overreaching and burdensome on the business owners. It is unfair to shackle business owners with this type of employee benefit. I think it will be abused and it will unfairly impact the good employee who does not abuse it.

Government should be doing more to support business owners and ensure that businesses remain open and thrive so that they can continue to employ good and hardworking citizens in our community. That is what builds a strong economy and vibrant community.

I respectfully ask that HB 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

Jeff Arce
1 808 221-7725

From: areed@hawaiiantel.net
Sent: Tuesday, March 27, 2012 6:21 PM
To: JDLTestimony
Subject: Please hold HB 341 HD4 Proposed SD1

Angela Reed
204 So. Kalaheo Avenue
Kailua, HI 96734-2931

March 28, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

Dear Chair Hee and Members of the Committee,

Please defer this bill. It is un-necessary and creates another un-needed mandate for our local small businesses. Our company's priority and assets are our employees. Therefore, we do everything we can to create a positive work environment and provide benefits that we can afford. This is an un-needed burden for our local businesses who are the base of the economy.

I respectfully ask that HB 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

Angela Reed



TESORO

Tesoro Hawaii Corporation
91-325 Komohana Street
Kapolei, Hawaii 96707-1713
808 547-3920

March 28, 2012

TO: The Honorable Clayton Hee, Chair
The Honorable Maile S.L. Shimabukuro, Vice Chair

SUBJECT: House Bill 341, House Draft 4 – Relating to Employment Practices
Hearing of the Senate Committee on Judiciary & Labor
Wednesday, March 28, 2012
10:30 a.m., Conference Room 016, State Capitol

Chair Hee, Vice Chair Shimabukuro and Committee members:

My name is Lance Tanaka, government and public affairs manager for Tesoro Hawaii Corporation. Thank you for allowing me to submit written testimony on HB 341, HD 4.

Tesoro Hawaii opposes this measure.

The business of manufacturing and distributing transportation fuels to keep Hawaii's economy rolling is a 24-hour-a-day, seven-days-a-week endeavor. As a long-time Hawaii business, Tesoro strives to provide competitive benefits to its employees, including sick-leave benefits.

Since last year, when Hawaii's sick-leave law was amended, Tesoro Hawaii has experienced a slight increase in the use of sick leave. Even a slight increase significantly impacts our 24/7 operations, particularly at the Kapolei refinery where Tesoro manufactures jet fuel, gasoline, diesel and fuel oil.

Operations at the refinery demand 24-hour coverage by qualified personnel to safely and effectively run the machinery and processing units. Employees who call-in sick must be backfilled by equally qualified personnel. Admittedly, this is a cost issue: We currently must expend 2.5 times the cost to cover each worker for every day that person is away from work.

If passed, HB 341, HD 4 will enable workers to use sick leave for broader purposes beyond being personally ill. Besides cost, this could evolve into a safety issue since the plant cannot run without an adequate number of qualified employees. Therefore, we respectfully ask that you hold this measure. Thank you.

Lance N. Tanaka
Tesoro Hawaii Corporation

To: Honorable Clayton Hee, Chair
Senate Committee on Judiciary and Labor

From: Nona Tamanaha, Regional Director of Human Resources
Starwood Hotels & Resorts, Hawaii and French Polynesia

Re: **HB 341, HD 4 Proposed SD1: Relating to Employment Practices**
Wednesday, March 28, 2012, 10:30 am - Conference Room 016

My name is Nona Tamanaha, Regional Director of Human Resources Starwood Hotels & Resorts, Hawaii & French Polynesia ("Starwood"). I am testifying on behalf of Starwood in opposition to HB 341, HD 4, Relating to Employment Practices.

Starwood diligently works to foster a nurturing environment for our employees. We have a good benefits program in place and provide our employees with an array of benefits not seen in most other work places. However, we are very concerned that this bill would mandate additional costs and burdens on our ability to operate in the state.

Our most significant concerns are as follows:

1. The administrative challenges and increased time requirements to implement, track, and maintain records for the sick and safe leave especially where such leave may be taken intermittently.
2. Although this bill does not displace any existing, more generous leave policy, it fails to define or provide guidance as to what constitutes "more generous." There is no employer currently offering the same levels of proposed safe or sick leave given the proposed definitions. For example, under this 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. This would effectively constitute paid FMLA leave.
3. This bill creates a legal presumption of retaliation if a company disciplines or discharges a worker within an unspecified number of days after an employee takes such leave. Because the leave may be taken incrementally, an employee could take leave frequently throughout the year and the set day time period shielding employees from discipline or discharge would never run. As an employer, we must be able to rely upon our associates to be at work to perform their jobs.
4. 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.
5. The anticipated costs associated with providing sick and safe leave in this challenging economy. As a large employer, we would effectively be paying the cost of one more worker for every 30 they currently employ. This does not include the additional cost of administration.
6. When a benefit is "accrued" the employer is required to list it as a liability on its financial statements. For large employers such as our Company, this liability can be in the millions of

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 27, 2012 6:43 PM
To: JDLTestimony
Cc: mendy@fair-wind.com
Subject: Testimony for HB341 on 3/28/2012 10:30:00 AM

Testimony for JDL 3/28/2012 10:30:00 AM HB341

Conference room: 016
Testifier position: **Oppose**
Testifier will be present: No
Submitted by: Melynda Dant
Organization: Individual
E-mail: mendy@fair-wind.com
Submitted on: 3/27/2012

Comments:

These are hard times for small businesses to meet all of the requirements already inferred by the state and federal governments. STOP increasing the hardships to small businesses, this is not the time to mandate more overhead to our budgets that HAVE TO BALANCE every year. This mentality will cause bankruptcies that would not otherwise exist.

This is supposed to be a democracy NOT socialism!

From: karenskaife@comcast.net
Sent: Tuesday, March 27, 2012 6:46 PM
To: JDLTestimony
Subject: Please HOLD HB 341 HD4 Proposed SD1

Karen Voss-Skaife
68-1792 Melia Street
Waikoloa, HI 96738-5530

March 28, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

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

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

Our company priority and asset are 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 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

Karen A. Voss-Skaife
808-883-3853

From: smeichtry@hihrhawaii.com
Sent: Tuesday, March 27, 2012 6:51 PM
To: JDLTestimony
Subject: Please HOLD HB 341 HD4 Proposed SD1

Scott Meichtry
500 Ala Moana Blvd.
Honolulu, HI 96813-4920

March 28, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

My name is Scott Meichtry and i own and operate a services business with over 4,000 employees.

Our company priority and asset are our employees. Therefore, we do everything we can to create a positive work environment and provide benefits that are above and beyond the industry standard. Our Benefits include full Medical, Drug, Vision and Dental. A gym membership, Lunch everyday, Life Ins., Matching 401K.

Another mandate placed on my business will increase the cost of doing business and at this time this is something we can not afford and would force us to change our benefit program.

I respectfully ask that HB 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

Scott Meichtry

From: krissi@hukilaulanai.biz
Sent: Tuesday, March 27, 2012 7:56 PM
To: JDLEstimony
Subject: HB 341 HD4 Proposed SD1 will hurt small businesses

Kristine Miller
263-b aina lani pl
kapaa, HI 96746-8304

March 28, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

Kristine Miller
Hukilau Lanai Restaurant
520 Aleka Loop
Kapaa, HI 96746

We are a 100 seat restaurant on the east side of Kaua'i. We employ about 55 employees. We strongly oppose mandatory sick leave pay, as it would negatively impact our ability to do business in a way that is best for our guests, our employees, and ourselves.

Should this mandate placed on my business, it will increase the already tight cost of doing business.

We provide benefits such as IRA matching, generous employee meal and dining, and paid vacation days for management.

If this bill is passed, we may be forced to reduce or eliminate some of these programs.

Our business is small and complying with this mandate will be detrimental to the business.

Our company priority and asset are our employees. Therefore, we do everything we can to create a positive work environment and provide benefits that we can afford. We believe that the environment of strong work ethic and positive, honest employer -employee relationships that we have worked so hard to cultivate will be jeopardized by this mandate.

I respectfully ask that HB 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

Kristine Miller
8086518770



1654 South King Street
Honolulu, Hawaii 96826-2097
Telephone: (808) 941.0556
Fax: (808) 945.0019
Web site: www.hcul.org
Email: info@hcul.org



Testimony to the Senate Committee on Judiciary and Labor
March 28, 2012

Testimony in Opposition to HB 341 Proposed SD1, Relating to Employment Practices

To: The Honorable Clayton Hee, Chair
The Honorable Maile Shimabukuro, Vice-Chair
Members of the Committee

My name is Stefanie Sakamoto, and I am testifying on behalf of the Hawaii Credit Union League, the local trade association for 81 Hawaii credit unions, representing approximately 811,000 credit union members across the state. We are opposed to HB 341 SD1 proposed, Relating to Employment Practices.

Our primary concern is that this legislation may work against the best interest of employees who receive paid sick leave as an employee benefit. In today's challenging economic climate, it has become common practice to cut staffing and expenses "to the bone", thus the survival of any business depends largely on its employees being on the job. If offering paid sick leave to their employees becomes overly burdensome, the employer might opt to do away with this altogether.

The adoption of the recent Victim Leave Act requires employers to provide a minimum number of unpaid days off from work. Many employers also currently provide generous paid leave (sick, vacation, personal time, etc.) to its employees to utilize for these types of personal situations.

Thank you for the opportunity to provide comments.

From: mauijim@prodigy.net
Sent: Tuesday, March 27, 2012 8:36 PM
To: JDLEstimony
Subject: Please HOLD HB 341 HD4 Proposed SD1

James Jones
P.O. Box 880123
Pukalani, HI 96788-0123

March 28, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

My company has a sick leave policy in place already. We provide upto 5 days of sick leave per year. It can be turned into 1 vacation day if not used. You can only accumulate a maximum of 10 sick days. I already have employment requirements to stay on top of and don't need another.

Thank you,

I respectfully ask that HB 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

James A. Jones

From: mpahio@bshawaii.com
Sent: Tuesday, March 27, 2012 8:56 PM
To: JDLTestimony
Subject: Please hold the mandatory paid sick leave bill

Margaret Pahio
16-630 Kipimana St.
Hilo, HI 96720

March 28, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

My company works well with personal time off instead of sick leave Why do you want to force me to add sick leave to the burden already placed on my company. We had sick leave in the past but this limited the employee to having to be sick or pretending to be sick to stay home.

Our company grew to now having 73 employees. We are still just a family run business and operate on a slim margin. We take care of our employees and hope you would hold this bill. I am not sure why another mandate is needed when we are already struggling.

I respectfully ask that HB 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

Margaret Pahio
808-966-7489

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 27, 2012 9:21 PM
To: JDLTestimony
Cc: honualandscaping@yahoo.com
Subject: Testimony for HB341 on 3/28/2012 10:30:00 AM

Testimony for JDL 3/28/2012 10:30:00 AM HB341

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Earl Yempuku
Organization: Honua Landscaping Inc.
E-mail: honualandscaping@yahoo.com
Submitted on: 3/27/2012

Comments:

My name is Earl Yempuku and I am President of my own landscape contracting company called Honua Landscaping, Inc. During the past year, we have seen the worst slowdown of business in the 30 years I have operated my company. The five employees employed by Honua Landscaping, Inc. are all on partial unemployment and though the economy seems to be getting slowly better we are in survival mode.

If this bill is passed, I seriously believe it will mean the end of my company. While I can appreciate the intent and positive benefits to workers it would provide, I don't understand how small business owners like us can be forced to take on more costs at a time when we are barely surviving. What good are more benefits for workers when the very businesses that provide their jobs in the first place have to shut down because they can't afford to keep operating?

On a more fundamental level, should the government be able to mandate these types of requirements to the private sector. Whatever happened to the free market and letting it determine the type and amount of compensation to workers based on supply and demand? Isn't that one of the principles on which American capitalism is based upon?

The result of laws such as this is, in the best case, higher prices on goods and services passed on to all consumers and in the worst case, business unable to sustain themselves with the resulting loss of jobs and tax revenue as they go bankrupt. This is a unfair and invasive law in the best of times and in the present economy, it could very well be the kiss of death.

Please do not pass this bill.

PS

I also thought it was pretty sneaky the way it was resurrected at the last minute after being held in committee earlier. Shame on you for playing politics with our livelihoods.

From: info@myhighwayinn.com
Sent: Tuesday, March 27, 2012 10:06 PM
To: JDLTestimony
Subject: HB 341 HD4 Proposed SD1 will hurt small businesses

Monica Toguchi
94-226 Leoku Street
Waipahu, HI 96797-1919

March 28, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

My name is Monica Toguchi and my company is Highway Inn. Presently, we have about 31 employees - with an average work history of 15 years. We've been in business for 65 years and like many other businesses, we continue to see costs rise.

Just recently, I received a letter from HMSA with plans to increase our premiums by over 3%. My unemployment insurance has increased from \$400 in 2009 to an astounding \$15,000 in 2011. Several food vendors have increased their prices by 5-15%. Since 2010, my rent has also gone up another 20% and gas prices continue to rise at record breaking numbers from the anticipated increased driving during spring and problems that plague the middle east, in particular Iran.

Where do Hawaii businesses receive respite? With prices so heavily ingrained with oil, shipping and land prices, we need our public policies to support small business, not threaten our ability to stay viable as we attempt to offer the most affordable prices to our consumers (who have a price breaking point).

I strongly feel that small businesses should be able to autonomously manage their employee benefit costs. In a competitive business environment, most employers attempt to provide as much benefits as their industries, products and services can provide.

Thoughtful public policy is understanding how far to push legislation before it hinders the hand that feeds government.

From: cafelaufer@lava.net
Sent: Tuesday, March 27, 2012 10:31 PM
To: JDLEstimony
Subject: Please hold HB 341 HD4 Proposed SD1

Cyrus Goo
3565 Waialae Ave
Honolulu, HI 96816-2777

March 28, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

Chairman Hee & Members of the committee, I oppose the passage and even the thought of this bill.

Do you really have any compassion for all the businesses in this state?

I know of one company who will close down his business after 27 years.

Why?? because the cost of doing business in this state is to expensive. To add another layer of B.S. to our operating cost such as "Mandatory Sick Leave" will most likely run more business out of this state. Who in God's name came up with this bill never ran a business before. Lets make this a pro business state instead of what it is now.

I respectfully ask that HB 341 HD1 Proposed SD1 be held in committee.

Thank you for the opportunity to submit testimony.

Sincerely,

Cyrus Goo
735-7717

BIA-HAWAII

BUILDING INDUSTRY ASSOCIATION

Testimony to the Senate Committee on Judiciary

Wednesday, March 28, 2012

10:30 a.m.

State Capitol, Room 016

RE: H.B. 341 HD4 Proposed SD1, Relating to Employment Practices

Good morning Chair Hee, Vice Chair Shimabukuro, and members of the committee:

My name is Gladys 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. 341 HD4 Proposed SD1, 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 who is ill, or a victim of domestic violence, sexual assault, or stalking. While we encourage the safety of our employees, this measure will apply to many small businesses with less than 100 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 work with and accommodate 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. 341 HD4 Proposed SD1 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.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 27, 2012 10:35 PM
To: JDLTestimony
Cc: wmitno@hawaii.rr.com
Subject: Testimony for HB341 on 3/28/2012 10:30:00 AM

Testimony for JDL 3/28/2012 10:30:00 AM HB341

Conference room: 016
Testifier position: **Oppose**
Testifier will be present: No
Submitted by: Wesley Nohara
Organization: Puu Kane Farms LLC
E-mail: wmitno@hawaii.rr.com
Submitted on: 3/27/2012

Comments:

I own a small farming operations. My current labor cost runs about 65% of my total operating cost. I am required by law to provide, workers comp, TDI, medical, dental, etc.. Total benefits cost adds about 35% to 40% to my labor cost.

Adding mandatory sick pay benefits would put me out of business. I have been operating for 2 years and have losses of \$130,000. I pay State GET on all (gross) revenues whether I make a profit or not. If forced to pay sick leave, I cannot pass on this additional cost to the consumer, thus this could be the nail in the coffin for my business.

Thank you for allowing me to testify.

From: joannaleong@hawaiiantel.net
Sent: Wednesday, March 28, 2012 1:21 AM
To: JDLTestimony
Subject: HB 341 HD4 Proposed SD1 will hurt Hawaii's job market

Joanna Leong
3344 Kahawalu Drive
Honolulu, HI 96817-1024

March 28, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

This mandate is what we business operators/owners do not need to be survive and be successful.

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

Paid sick benefit requires additional administrative workload, is abused by some employees who will call in sick to use up available sick hours that will not roll over or not be paid when retire, incurs overtime to cover employees who call in sick and businesses like ours require the manpower to serves its customers.

I respectfully ask that HB 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

Joanna Leong
8085952423

The Twenty-Sixth Legislature
Regular Session of 2012

THE SENATE

Committee on Judiciary and Labor
Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
State Capitol, Conference Room 016
Wednesday, March 28, 2012; 10:30 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 341, HD4, SD1 (PROPOSED)
RELATING TO EMPLOYMENT PRACTICES**

The ILWU Local 142 supports H.B. 341, HD4, SD1 (proposed), 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 or a victim of domestic violence, sexual assault, or stalking.

Hawaii statute currently requires that temporary disability insurance (TDI) benefits be provided to all employees at 58% of the employee's wages from the eighth day of disability for a maximum of 26 weeks when an employee is unable to work due to non-work related injuries or illnesses. Passed in 1969, the TDI law was intended to address the need for income during an illness or injury of some duration. Employers may purchase insurance or be "self-insured" by adopting a sick leave policy that is approved by the Department of Labor and Industrial Relations. Some employers provide both a TDI insured plan and a sick leave policy.

However, a TDI insured plan is clearly not the best solution for those who have to stay at home due to a cold or flu or a broken ankle or even to care for a sick child or parent because of the limited benefit (58%), waiting period (seven days), and lack of coverage for family leave. H.B. 341, HD4, SD1 (proposed) addresses those concerns by mandating paid sick leave from the first day of illness provided the employee has worked long enough to earn the benefit. We believe the provision of sick leave is a sensible, humane way to treat employees and should be required of all employers.

While there may still be questions about what this proposed law will mean for TDI, the ILWU urges passage of H.B. 341, HD4, SD1 (proposed) for further discussion and clarification. Thank you for the opportunity to share our views and concerns.

From: msteiner@steinerassoc.com
Sent: Wednesday, March 28, 2012 6:21 AM
To: JDLEstimony
Subject: HB 341 HD4 Proposed SD1 - Testimony in Opposition

Michael Steiner
702 Kanaha Street
Kailua, HI 96734-1942

March 28, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

This bill will unduly burden many small businesses in Hawaii. Our employee regulations are fine as is and do not need to be changed at this time and in these economic conditions. As such, I oppose HB 341 HD4 and the proposed SD1.

I respectfully ask that HB 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

Michael Steiner
808-221-5955

From: darlene.chung@partners.mcd.com
Sent: Wednesday, March 28, 2012 7:01 AM
To: JDLEstimony
Subject: HB 341 HD4 Proposed SD1 will hurt Hawaii's job market

Darlene Chung
3-3113 Kuhio Hwy
Lihue, HI 96766-1141

March 28, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

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

I am a new business owner and complying with this mandate will be detrimental to my business. It's already difficult to survive this economic downturn. I'm operating on slim margins already. Additional costs or mandates will surely impact my business.

The result of this bill I fear is that it will cause unemployment to soar upwards and economic pain for both our employees and employers.

I respectfully ask that HB 341 HD1 Proposed SD1 be held in committee. Thank you for the opportunity to submit testimony.

Sincerely,

Darlene Chung
808-224-9356

From: info@laminationhouse.com
Sent: Wednesday, March 28, 2012 7:06 AM
To: JDLEstimony
Subject: Please hold the mandatory paid sick leave bill

Joyce Gooman
99-1285 Halawa Valley St. A19
Aiea, HI 96701-5611

March 28, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

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

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

Our company priority and asset are 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 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

Joyce Gooman
8084885066



March 28, 2012

SENATE COMMITTEE ON JUDICIARY AND LABOR
Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
State of Hawaii
State Capitol, Room 016
Honolulu, HI 96816

RE: HOUSE BILL 341 HD 4, RELATING TO EMPLOYMENT PRACTICES

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

My name is Jenai Wall. I am the Chairman and CEO of Foodland Super Market Ltd. We employ approximately 2,500 employees and are the only locally owned supermarket with stores statewide. I appreciate the opportunity to provide testimony, and must respectfully convey my opposition to House Bill No. 341 relating to Employment Practices.

This measure requires employers to provide a minimum amount of paid sick leave 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.

While I understand the concerns presented in this measure, our company already offers a comprehensive and generous benefit package. Our employees are our most valuable asset and we take great pride in providing paid sick and vacation time for our employees to utilize. We also recognize that employees occasionally require leave from work for personal reasons and we have extended accommodations to assist them.

This House Bill does not allow employers to verify whether the employee is taking "sick and safe leave" for the first three 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 employee to pay for the doctor's note. This, in itself, will unnecessarily increase our usage of sick leave for employees and will force our company to employ cost-cutting measures, which may include a decrease in our workforce.

The passage of this measure will force our company to offset higher costs through a reduction in work hours, lower pay increases, and elimination of some discretionary benefits. Ultimately, the bill may also cause us to increase prices to consumers in order to reduce costs. During this uncertain state of the economy, this measure will hinder the economic progress of our State and will prove detrimental to our economic recovery.

In light of this, I respectfully request that this measure be held.

Thank you for the opportunity to submit testimony regarding House Bill No. 341. If you have any questions, please contact me at Foodland Super Market Ltd., 3536 Harding Avenue, Honolulu, HI 96816, or via phone at (808) 732-0791.

Sincerely,

Jenai Wall
Chairman and CEO
Foodland Super Market Ltd.

From: jimmygomes@hawaii.rr.com
Sent: Wednesday, March 28, 2012 7:21 AM
To: JDLTestimony
Subject: Please HOLD HB 341 HD4 Proposed SD1

James Gomes
HC1 Box 901
Kula, HI 96790-9302

March 28, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

Our company priority and asset are 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 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

James Gomes
808-878-1202

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 28, 2012 7:26 AM
To: JDLEstimony
Cc: hieastsidebuilders@yahoo.com
Subject: Testimony for HB341 on 3/28/2012 10:30:00 AM

Testimony for JDL 3/28/2012 10:30:00 AM HB341

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Chris Owens
Organization:
E-mail: hieastsidebuilders@yahoo.com
Submitted on: 3/28/2012

Comments:

This Bill will add more financial burden to employers. It should be a voluntary benefit offered by employers that want to give this to their employees. There is also the real possibility of employees taking advantage of this or abusing the benefit. This bill makes no real contribution to the ability of business owners to stay in business and keep people working. I am opposed to this bill.

Senate Committee on
Judiciary and Labor

Senator Hee - Chair
Senator Shimabukuro - Vice Chair

March 27, 2012

Winton Schoneman
Bubbies Homemade Ice Cream and Desserts Franchisee

IN STRONG OPPOSITION TO HB341 SD1 RELATING TO EMPLOYMENT PRACTICES
(Paid sick leave)

Aloha Chair Hee and Vice Chair Shimabukuro, 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."

I am submitting testimony in opposition to House Bill 341 SD1. As an employer it is our position that HB 341 SD1 places an adverse employment impact taken within 90 days of when an employee takes paid sick and safe leave (1) creates an undue restriction on employers' ability to effectively manage their workforce and (2) allows for serious abuse by employees:

- Essentially, it would be difficult for employers to impose legitimate discipline against an employee who had taken sick and safe leave within the past 90 days, because of the legal presumption of unlawful retaliation.
- As a result, employees could abuse this benefit by taking sporadic sick and safe leave, and continuously be shielded by this presumption, because the 90-day period of presumption would reset every time an employee takes sick and safe leave.
- This problem would be exacerbated by the fact that employers cannot ask for a written verification of the needs for sick and safe leave (such as a doctor's note, police report, court order, or signed witness statement) unless an employee takes 4 or more consecutive days of leave. Thus, this bill essentially grants employees the right to take unquestioned leave for up to 3 days
- Our current employees can already take leave under the Hawaii Family Leave Law ("HFLL") or Family and Medical Leave Act ("FMLA") to care for a family member with a serious health condition.
- This bill could result in unintended consequences, such as employers reducing the amount of PTO provided to employees in order to accommodate for the increased amount of leave required under this measure. Other possible unintended consequences may include lower wages and reduced benefits for employees, as well as higher costs for consumers, in order to offset the added costs that will be created by this measure.
- Sick leave policies need to be left to the discretion of employers or the collective bargaining process, and should not be mandated through legislation, because not all businesses are the same. Specifically, company sick leave policies vary, depending on the size of the company, the company's resources and staffing requirements, and the needs of the business. Implementing the same legal requirement for all employers across the board disregards the fact different businesses that have different needs and resources.

Thank you for your consideration and review of our concerns including the financial impact this will have on everyone.

Sincerely,

John Muaina
Vice President – Human Resources
Polynesian Cultural Center
808-293-3002

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 28, 2012 8:05 AM
To: JDLTestimony
Cc: DrAshley@hawaii.rr.com
Subject: Testimony for HB341 on 3/28/2012 10:30:00 AM
Attachments: HB .pages.zip

Testimony for JDL 3/28/2012 10:30:00 AM HB341

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Dr Darlene Ashley Fagan
Organization: Individual
E-mail: DrAshley@hawaii.rr.com
Submitted on: 3/28/2012

Comments:

hee3 - Keiki

From: saic@maunalani.org
Sent: Tuesday, March 27, 2012 4:11 PM
To: JDLTestimony
Subject: Please hold the mandatory paid sick leave bill

Follow Up Flag: Follow up
Flag Status: Flagged

Sai Chantavy
5113 Maunalani Circle
Honolulu, HI 96816-4019

March 27, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

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

I already provide benefits sick leave and other benefits beyond the requirements of any mandates. If this bill is passed, it will force me to reduce or even eliminate some of them.

I respectfully ask that HB 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

Sai Chantavy
(808)732-0771

From: jon.miyata@hpmhawaii.com
Sent: Tuesday, March 27, 2012 4:01 PM
To: JDLTestimony
Subject: Please do not pass HB 341 HD4 Proposed SD1

Jon Miyata
60 Keaa Street
Hilo, HI 96720-4708

March 27, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

March 27, 2012

Senator Clayton Hee, Chair
Committee on Judiciary and Labor

Re: HB41 HD4, Proposed SD1
Mandatory Sick Leave

I am writing on behalf of the membership of the Hawaii Island Chamber of Commerce, which represents both large and small businesses on Hawaii Island and has approximately 240 member businesses comprising more than 500 individual members and ask that you hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

Currently, most of our member businesses are struggling in this poor economic climate. Another mandate placed on our businesses will increase costs and make it even harder for them to survive. I constantly talk with our members and although there may be signs of improvement, Hawaii Island businesses are still operating on slim margins. Added burdens will only serve to force our businesses to make tough choices. This includes the elimination of other benefits to going as far as eliminating headcount.

At this point in time, if you wish to see our economy prosper, please focus your efforts on stimulating the economy rather than making it more burdensome for business. Accordingly, we respectfully ask that HB 341 HD1 Proposed SD1 be held in committee.

Thank you for your time and providing me with the opportunity to provide this testimony.

Very truly yours,

Jon Y. Miyata
Senior Vice President



888 Mililani Street, Suite 601
Honolulu, Hawaii 96813-2991

Telephone: 808.543.0000
Facsimile: 808.528.4059

www.hgea.org

The Twenty-Sixth Legislature, State of Hawaii
The Senate
Committee on Judiciary and Labor

Testimony by
Hawaii Government Employees Association
March 28, 2012

H.B. 341, H.D. 4, S.D. 1 – RELATING TO
EMPLOYMENT PRACTICES

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of H.B. 341, H.D. 4, S.D. 1, 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 or a victim of domestic violence, sexual assault, or stalking.

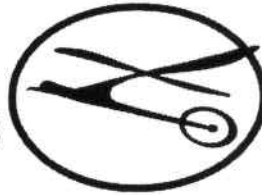
The HGEA represents more than 25,000 public employees that enjoy that same benefit of paid sick leave for healthcare for themselves, but not for their family members. No one should have to choose between their family's well-being and their job. Providing paid sick and safe leave for self-care as well as for family welfare supports workers and our community as a whole.

Providing paid sick and safe leave is a desirable investment in the health and welfare of our community. Thank you for the opportunity to testify in support of the intent of H.B. 341, H.D. 4, S.D. 1.

Respectfully submitted,

Leiomalama E. Desha
Deputy Executive Director

Jack Harter Helicopters



STATE OF HAWAII, SENATE COMMITTEE ON JUDICIARY AND LABOR
Senator Clayton Hee, Chair; Senator Maile S.L. Shimabukuro, Vice Chair

DATE: Wednesday, March 28, 2012

TIME: 10:30 AM

PLACE: Conference Room 016

RE: HB 341, HD4 RELATING TO EMPLOYMENT PRACTICES.

Aloha Chair Hee, Vice Chair Shimabukuro, and members of the committee:

We are **opposed** to this measure that will apply to many small businesses that do not have a sick leave policy. The vast majority of small businesses do not have the financial ability to provide paid sick leave for their employees. This bill's requirement that all employers provide paid sick leave will likely lead to the loss of available jobs in Hawaii. The "one-size fits all" approach to solving a perceived problem will result in additional direct and indirect costs to many businesses that simply cannot afford to provide this benefit to their employees.

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. This will certainly result in increased costs for consumers. If this measure were to become law, it would add another layer of administrative burden to all businesses. Many small businesses do not have the human resources capacity or additional resources to keep up with the regulatory requirements.

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.

Regards,

Casey Riemer
General Manager/VP

P.O. Box 306
Lihue, HI 96766

808-245-3774
808-245-4661 Fax
888-245-2001 Toll-Free

jharter1@aloha.net
www.helicopters-kauai.com



March 28, 2012

SENATE COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

State of Hawaii

State Capitol, Room 016

Honolulu, HI 96816

RE: HOUSE BILL 341 HD 4, RELATING TO EMPLOYMENT PRACTICES

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

My name is **Kimberly Yoshimura**. I am the Vice President of Talent for Coffee Pacific LLC, the licensed franchise for The Coffee Bean & Tea Leaf Hawaii. We employ approximately 240 employees and operate 15 stores state wide. We are locally owned and operated. I appreciate the opportunity to provide testimony, and must respectfully convey my opposition to House Bill No. 341 relating to Employment Practices.

This measure requires employers to provide a minimum amount of paid sick leave 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.

While I understand the concerns presented in this measure, our company already offers a comprehensive and generous benefit package. Our employees are our most valuable asset and we take great pride in providing paid sick and vacation time for our employees to utilize. We also recognize that employees occasionally require leave from work for personal reasons and we have extended accommodations to assist them.

This House Bill does not allow employers to verify whether the employee is taking "sick and safe leave" for the first three 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 employee to pay for the doctor's note. This, in itself, will unnecessarily increase our usage of sick leave for employees and will force our company to employ cost-cutting measures, which may include a decrease in our workforce.

The passage of this measure will force our company to offset higher costs through a reduction in work hours, lower pay increases, and elimination of some discretionary benefits. Ultimately, the bill may also cause us to increase prices to consumers in order to reduce costs. During this uncertain state of the economy, this measure will hinder the economic progress of our State and will prove detrimental to our economic recovery.

In light of this, I respectfully request that this measure be held.

Thank you for the opportunity to submit testimony regarding House Bill No. 341. If you have any questions, please contact me at Coffee Pacific LLC, 3536 Harding Avenue, Honolulu, HI 96816, or via phone at (808) 735-7377.

Sincerely,

Kimberly Yoshimura
Vice President of Talent
Coffee Pacific LLC

Coffee Pacific LLC

3536 Harding Avenue, Suite 100 • Honolulu, Hawaii 96816

Phone: 808.735.7377 • Fax: 808.737.4583

www.coffeebeanhawaii.com

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 28, 2012 8:48 AM
To: JDLTestimony
Cc: tony@rmasalesco.com
Subject: Testimony for HB341 on 3/28/2012 10:30:00 AM

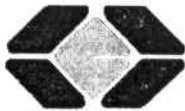
Testimony for JDL 3/28/2012 10:30:00 AM HB341

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Anthony B. Borge
Organization: RMA Sales
E-mail: tony@rmasalesco.com
Submitted on: 3/28/2012

Comments:

We are a small locally owned and operated manufacturing/distributing company doing business statewide for over 50 years. We currently have a full-time staff of 16. We would like to continue business for the next 50 years. Please vote no on H.B. 341 HD4, Proposed SD1.

Thank you.
Respectively submitted
Anthony Borge



March 28, 2012

The Honorable Clayton Hee, Chair
The Honorable Maile Shimabukuro, Vice Chair
Senate Committee on Judiciary
Hawaii State Legislature
State Capitol, Room 407
Honolulu, Hawaii 96813

Dear Chair Hee, Vice Chair Shimabukuro and Committee Members:

RE: PROPOSED H.B. 341, H.D. 1, S.D. 1 RELATING TO EMPLOYMENT PRACTICES

Hearing: Wednesday, March 28, 2012; 10:30 a.m.
Conference Room 016, State Capitol

I am Debbie Luning, testifying on behalf of Gentry Homes, Ltd. in **opposition** to H.B. 341, H.D. 1, S.D. 1 (proposed). The measure proposes 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 or a victim of domestic violence, sexual assault or stalking. While well-intentioned, the bill could have the unintended consequence of hurting businesses, particularly those that already provide fair and adequate vacation and personal leave for its employees. We concur with the testimony submitted by BIA-Hawaii and urge you to hold the bill in Committee.

Sincerely,

GENTRY HOMES, LTD.

A handwritten signature in black ink, appearing to read 'D. Luning'.

Debra M. A. Luning
Director of Governmental Affairs and
Community Relations

From: swittman@hawthornecat.com
Sent: Wednesday, March 28, 2012 8:16 AM
To: JDLTestimony
Subject: Please hold HB 341 HD4 Proposed SD1

Stephen Wittman
16945 Camino San Bernardo
San Diego, CA 92127-2405

March 28, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

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

Like so many other businesses, we have been forced to incur several RIF's the last couple of years due to the economic turndown and cut expenses to a minimum and pass increased expenses such as health insurance premiums on to our employees.

Another mandate placed on my business will increase the cost of doing business and may cause even further layoffs.

Please make efforts at preventing this from taking place.

I respectfully ask that HB 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

Stephen Wittman

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 28, 2012 8:30 AM
To: JDLTestimony
Cc: lkaneshige@gmail.com
Subject: Testimony for HB341 on 3/28/2012 10:30:00 AM

Testimony for JDL 3/28/2012 10:30:00 AM HB341

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Lori Kaneshige
Organization: Individual
E-mail: lkaneshige@gmail.com
Submitted on: 3/28/2012

Comments:

The legal presumption that any adverse employment action taken within 90 days of when an employee takes paid sick and safe leave (1) creates an undue restriction on employers' ability to effectively manage their workforce and (2) allows for serious abuse by employees.

* Essentially, it would be difficult for employers to impose legitimate discipline against an employee who had taken sick and safe leave within the past 90 days, because of the legal presumption of unlawful retaliation.

* As a result, employees could abuse this benefit by taking sporadic sick and safe leave, and continuously be shielded by this presumption, because the 90-day period of presumption would reset every time an employee takes sick and safe leave.

* This problem would be exacerbated by the fact that employers cannot ask for a written verification of the needs for sick and safe leave (such as a doctor's note, police report, court order, or signed witness statement) unless an employee takes 4 or more consecutive days of leave. Thus, this bill essentially grants employees the right to take unquestioned leave for up to 3 days

Employees can already take leave under the Hawaii Family Leave Law ("HFLL") or Family and Medical Leave Act ("FMLA") to care for a family member with a serious health condition. Employees can also use up to 10 days of sick leave (or more under a collective bargaining agreement), or up to 4 weeks of paid vacation or personal leave, for leave taken under HFLL. Employees can also substitute paid vacation leave or personal leave, or substitute paid sick leave in accordance with the company's normal leave policy, for up to 12 weeks of leave under the FMLA.

This bill could result in unintended consequences, such as employers reducing the amount of sick leave or PTO provided to employees in order to accommodate for the increased amount of leave required under this measure. Other possible unintended consequences may include lower wages and reduced benefits for employees, as well as higher costs for consumers, in order to offset the added costs that will be created by this measure.

Sick leave policies need to be left to the discretion of employers or the collective bargaining process, and should not be mandated through legislation, because not all businesses are the same. Specifically, company sick leave policies vary, depending on the size of the company, the company's resources and staffing requirements, and the needs of the business. Implementing the same legal requirement for all employers across the board disregards the fact different businesses that have different needs and resources.

From: bgoo@teachest.com
Sent: Wednesday, March 28, 2012 8:46 AM
To: JDLTestimony
Subject: Please HOLD HB 341 HD4 Proposed SD1

Byron Goo
80 Sand Island Access Rd #203
Honolulu, HI 96819-4904

March 28, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

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.

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

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

I respectfully ask that HB 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

Byron Goo
8085919400

From: afrancokaupo@gmail.com
Sent: Wednesday, March 28, 2012 8:51 AM
To: JDLTestimony
Subject: Please hold HB 341 HD4 Proposed SD1

Alex Franco
P.O. Box 331149
Kahului, HI 96733-1149

March 28, 2012

Chair Hee and Members of the Committee
Testimony to the Senate and Judiciary and Labor Committee March 28, 2012 at 10:30 a.m.
Room 016,

Dear Chair Hee and Members of the Committee:

Please hold HB 341 HD4 Proposed SD1, a bill that proposes to mandate businesses to provide sick leave.

Our company priority and asset are 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 341 HD1 Proposed SD1 be held in committee.
Thank you for the opportunity to submit testimony.

Sincerely,

Alex Franco