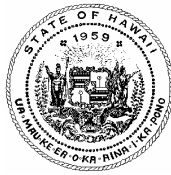


HB341, HD4

NEIL ABERCROMBIE
GOVERNOR



BARBARA A. KRIEG
INTERIM DIRECTOR

LEILA A. KAGAWA
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

March 27, 2012

TESTIMONY TO THE
SENATE COMMITTEE ON JUDICIARY AND LABOR

For Hearing on Wednesday, March 28, 2012
10:30 A.M., Conference Room 016

BY

BARBARA A. KRIEG
INTERIM DIRECTOR

House Bill 341, H.D. 4, Proposed S.D. 1
Relating to Employment Practices

TO CHAIRPERSON HEE AND MEMBERS OF THE COMMITTEE:

H.B. 341, H.D. 4, Proposed S.D. 1, 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 Department of Human Resources Development respectfully **opposes this bill** to the extent that it applies to public sector employees. Our reasons for opposing the bill include:

Conflict with Civil Service Reform

Act 253 (SLH 2000) removed routine human resources policy and management matters from civil service laws and established a "bright line" for matters of collective bargaining. This bill convolutes the terms and conditions of public employment that should be mandatory subjects of negotiation, particularly when Chapter 78-23, Hawaii Revised Statutes (HRS), provides that leaves such as sick leave are to be negotiated

under Chapter 89, HRS, or adjusted under Chapter 89C, as applicable. Furthermore, a consequence of legislating the minimal level of sick leave public employees should receive is an artificial limitation on the scope of negotiations about the amount of, and conditions related to, paid time off.

We note here that the terms and conditions of employment for employees who are “excluded” from collective bargaining are, as a practical matter, determined in collective bargaining. This is because Chapter 89C, HRS, requires that excluded employees receive, by executive order, at least the same level of benefits afforded to their included counterparts.

Redundancy and Contradictions in Authority for Sick Leave in Public Service

Chapter 78-23, HRS, already makes public employees (whether included in or excluded from collective bargaining) eligible for, among other leaves of absence, sick leave that is either negotiated under Chapter 89, HRS, or adjusted under Chapter 89C, HRS. Consequently, nearly all public employees enjoy generous leave benefits to include up to 21 days of sick leave and 21 days of vacation leave annually that may be used for purposes described in this bill. Additionally, Chapter 398, HRS, allows public employees to take leave care for a family member with a serious health condition and eligible public employee may substitute up to four (4) weeks of their accrued and available sick leave for family leave purposes. Similarly, public employees are covered by the victims’ leave protection of Chapter 378, HRS, and may use their accrued sick leave and vacation for such purposes. Considering these existing benefits and other paid and unpaid leave afforded public employees, it is unnecessary to apply this bill to public employees.

Lastly, as discussed at length during the recent Senate Committee on Accountability hearings, one of the contributing factors for overpayments and overtime are public employee leaves of absence. These leaves of absence are made possible by the use and interplay of various authorities that public employers may not have the ability to pre-approve and operationally plan around (e.g., sick leave). This bill protects

by statute a certain level of sick leave that employees can use for unplanned and intermittent leaves of absence that controvert public employers' efforts to reduce overpayments and overtime costs.

Given the above, we recommend that this bill be held or amended to exclude “the State and all of its political subdivisions” from its definition of “Employer.”

Thank you for the opportunity to testify on this measure.

DEPARTMENT OF HUMAN RESOURCES

CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET 10TH FLOOR • HONOLULU, HAWAII 96813
TELEPHONE: (808) 768-8500 • FAX: (808) 768-5563 • INTERNET: www.honolulu.gov/hr

PETER B. CARLISLE
MAYOR



NOEL T. ONO
DIRECTOR
ROBIN CHUN-CARMICHAEL
ASSISTANT DIRECTOR

March 28, 2012

The Honorable Clayton Hee, Chair
and Members of the Committee
on Judiciary and Labor
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Hee and Members:

Subject: House Bill 341, Relating to Employment Practices

House Bill 341 requires employers to provide a minimum amount of paid sick and safe leave to employees, including time for family care and absences necessary due to domestic violence, sexual assault, or stalking. The City and County of Honolulu, Department of Human Resources, respectfully opposes this bill to the extent that it applies to public sector employees.

The City is concerned that House Bill 341 involves a matter that is subject to collective bargaining, and therefore, should not be legislated. In addition, City employees are sufficiently covered by Federal and State laws which afford them time off to care for themselves and their family members and to recover as a victim of domestic violence. Lastly, public sector employees are already entitled to generous leave provisions which have been negotiated into the respective collective bargaining agreements. Our employees are given 21 days of sick leave and 21 days of vacation per year, which may be used for purposes described in this bill.

The City respectfully requests that House Bill 341 be held or amended to exclude public sector employees.

Thank you for the opportunity to testify.

Yours truly,

A handwritten signature in black ink, appearing to read "Noel T. Ono".

Noel T. Ono
Director

HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



Chair
LESLIE WILKINS

COMMISSIONERS:

ELENA CABATU
ADRIENNE KING
CARMILLE LIM
AMY MONK
LISA ELLEN SMITH
CAROL ANNE PHILIPS

Executive Director
Catherine Betts, Esq.

Email:
DHS.HSCSW@hawaii.gov
Web:
www.hawaii.gov/dhs/women/
HSCSW

235 S. Beretania #407
Honolulu, HI 96813
Phone: 808-586-5758
FAX: 808-586-5756

March 26, 2012

Testimony in Support of HB 341, HD 4, SD 1

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

From: Catherine Betts, Esq., Executive Director, Hawaii State Commission on the Status of Women

Re: Testimony in Support of HB 341, HD 4, SD1, Relating to Health

On behalf of the Hawaii State Commission on the Status of Women, I would like to thank the committee for this opportunity to provide testimony on this important issue. I would like to express my strong support of this bill, which would require employers to provide a minimum level of paid sick and safe leave to employees within the State.

If passed, this bill would set a standard practice for allowing sick and safe leave for all workers. Additionally, it would enable victims of domestic violence, sexual assault or stalking to participate in legal proceedings, receive medical treatment or counseling, or obtain other critical services, without fear that they may lose their job. A minimum of paid sick and/or safe leave would also allow victims to maintain some sense of safety and independence, without fear of retribution for asking for time off.

Maintaining a job can be extremely difficult for victims of violent crime. In 2009, the Department of Justice found that of the 79% of stalking victims who had a job, one in eight lost time from work. More than half of the victims surveyed lost five or more days from work.¹ In 2007, between 15.2% and 27.6% of those women surveyed lost a job due to abuse.² Allowing a minimum amount of paid time off is crucial for victims to recover from abuse.

A lack of paid sick and safe leave has a detrimental affect on low-income women. Minority women continue to be paid less on average, and close to 2/3 of low wage workers do not have access to paid sick days.³ While those who oppose this bill may argue that most employers generally support leave for their employees, this is purely anecdotal and not reflective of the majority of employers. In fact, 42% of workers in the private sector do NOT have access to paid sick leave through their employers.⁴ The only way to completely ensure that a fair system is in place is to establish a standard practice. This bill would achieve that standard practice. Additionally, it is a sound public policy that benefits the community and the workplace. The Commission respectfully requests that this Committee pass HB 341, HD 4, SD 1. Thank you for your time.

¹ Katrina Baum, U.S. Dep't of Justice, Bureau of Justice Statistics, *Stalking Victimization in the United States* (2009).

² TK Logan, *et al.* *Partner Stalking and Implications for Women's Employment*, J. INTERPERS. VIOLENCE 22(3): 268-291 (2007).

³ National Partnership for Women and Families, *Women of Color Need a Paid Sick Day Standard* (December 2010).

⁴ Claudia Williams *et al.*, *Access to Paid Sick Days in the States*, Institute for Women's Policy Research (2011).



HAWAII FOOD INDUSTRY ASSOCIATION (HFIA)

1050 Bishop St. Box 235
Honolulu, HI 96813
Fax : 808-791-0702
Telephone : 808-533-1292

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.

In Opposition.

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

This measure will apply to many small businesses with less than 10 employees that do not have a sick leave policy. Businesses generally offer paid leave (ie. Vacation, sick leave, PTO) to employees to create a healthy work environment and to foster a positive relationship with its employees. They understand that employees will require occasional leave from work due to a legitimate sickness or other reasons, and generally accommodate and work with them.

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

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

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

Next, the measure does not allow employers to verify whether the employee is taking “sick and safe leave” for the first 3 days of absence. The bill prohibits employers from requiring

reasonable documentation unless the “sick and safe leave” exceeds three consecutive days. And, it penalizes the employer for asking to verify whether someone is truly sick by requiring the employer to pay for the doctor’s note.

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

In light of this, The Hawaii Food Industry Association respectfully requests that this measure be held.

Mahalo for the opportunity to provide this testimony.



MOLOKAI CHAMBER OF COMMERCE

P.O. Box 515
Kaunakakai, HI 96748

T 808 553 4482

info@molokaichamber.org

www.molokaichamber.org

**Testimony to the Senate Committee on Judiciary and Labor
Wednesday, March 28, 2012
10:30 a.m.
State Capitol - Conference Room 016**

**RE: HOUSE BILL NO. 341 HD4 PROPOSED SD1
RELATING TO EMPLOYMENT PRACTICES**

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

My name is Robert Stephenson and I am the President of The Molokai Chamber of Commerce. I am submitting testimony to state The Molokai Chamber's opposition to House Bill No. 341 HD4 Proposed SD1.

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

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

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

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

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

Sincerely,

Robert Stephenson, President

March 27, 2012

HADA Testimony STRONGLY OPPOSED
to HB341 HD4 SD1
RELATING TO EMPLOYMENT PRACTICES

Presented to the Senate Committee on Judiciary & Labor

At the public hearing 10:30 a.m., Thursday, March 28, 2012
in Conference Room 016, Hawaii State Capitol

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

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

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

HADA is strongly opposed to HB341 HD4 SD1 which seeks to mandate sick leave policy in private businesses.

The bill will create grave consequences in disrupting delicately-balanced company benefit plans provided to employees.

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

Many businesses would be forced, when adopting a "government mandated plan" for sick leave, to change their company benefit packages so as to accommodate the brittleness of a one-size-fits-all government plan.

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

All would be adversely affected by this bill.

Employers, like auto dealers, who already have a paid leave policy will need to provide employees a yet-to-be-determined minimum sick leave hours. Additional government-required record-keeping will provide inefficiencies and costs.

Often times, government policy makers are unfamiliar with business, almost like the unfamiliarity with Hawaii of a visitor to the islands who makes constant references to "back in the states."

Many businesses have come to the legislature to testify strongly opposed to this bill. With regard our association, we rarely use the term "will create grave consequences."

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

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

HADA respectfully requests that the committee hold HB341 HD4 SD1 to avoid adversely affecting employees and creating adverse consequences for businesses.

Respectfully submitted,

David H. Rolf

For the members of the Hawaii Automobile Dealers Association

1100 Alakea St. Suite 2601

Honolulu, Hawaii 96813

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

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



Testimony to the Senate Committee on Judiciary and Labor

Wednesday, March 28, 2012

10:30 a.m.

Conference Room 016

RE: Relating to Employment Practices – House Bill 341, HD4, Proposed SD1

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

My name is Gary Kai and I am the Executive Director of the Hawaii Business Roundtable. The Hawaii Business Roundtable opposes HB 341, HD1, Proposed SD1 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 members of the Hawaii Business Roundtable represent companies in Hawaii that collectively employ over 70,000 people in Hawaii. The members of the Roundtable as well as most employers understand that providing reasonable benefits is not only a sound investment in our employees but a necessity in our competitive environment for quality employees. We also truly understand the importance of this benefit for our employees and their families' and their overall well being.

There are many impacts of this legislation that will have significant long term impact on businesses particularly small business. The economic impact of making it difficult for small businesses to survive will also have an impact on our economic recovery and long term viability. This bill could also have a negative impact on generous sick leave benefits that many companies already provide. Expanding it to a very broad paid family medical leave could result in employers cutting back on the originally intended generous sick leave benefits because of extensive use as paid family leave program.

The many administrative challenges of this bill are many including record keeping and other compliance requirements. It also does not allow reasonable documentation unless the use of the sick and safe leave exceeds 3 consecutive days. Patterns of abusing the benefit would be difficult to question regardless of how egregious. The bill provides that "there shall be a rebuttal presumption of unlawful retaliation under this section whenever an employer takes adverse action against an employee."

We believe that the long term health and welfare of our employees and their families are key to our success. We feel however that this bill will create long term negative consequences to both our employees and the economic viability of our community and ask that his measure be held.

Gary K. Kai, Executive Director
Hawaii Business Roundtable

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 John E.K. Dill, Legislative Committee Chariman for the Hawaii Island Contractors Association (HICA). HICA is a professional trade organization, representing the building industry and its associates on Hawaii Island.

HICA 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.

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.

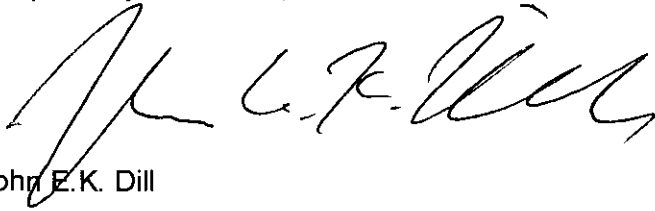
Small businesses are especially vulnerable to any increase in costs, especially those who operate on low margins. This measure may force many small employers to offset higher costs through lower wages to their employees, fewer work hours, less pay raises, decreased

discretionary benefits, and higher health care costs, or even increased costs for consumers. Even worse, for those companies on the "tipping point," any increase may force them to close shop.

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

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

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "John E.K. Dill". The signature is fluid and cursive, with a large initial "J" and "E".

John E.K. Dill



HAWAII WATER SERVICE COMPANY

P.O. BOX 384809 • WAIKOLOA, HI 96738 • (808) 883-2046 • FAX (808) 883-2064

March 27, 2012

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

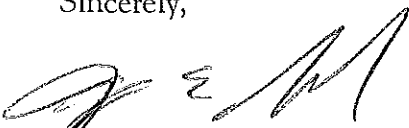
Dear Chair Hee, Vice Chair Shimabukuro and Members of the Committee,

My name is James Smith, and I am the General Manager of Hawaii Water Service Company (Hawaii Water), one of the largest investor-owned water and wastewater utilities in the state of Hawaii with a total of 55 employees on Hawaii and Maui.

Hawaii Water's employees are highly skilled and well motivated employees that are trained to provide high quality service and treat customers with dignity and respect. In turn, Hawaii Water treats its employees with dignity and respect and provides them an attractive compensation package. As such, employees enjoy long productive careers with the company. Another mandate placed on our business will increase the cost of doing business, and possibly prevent us from providing excellent customer service and high quality water and sewer service to over 3,770 regulated accounts on Maui and Hawaii, many of which are large users.

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

Sincerely,



James E. Smith
General Manager

From: anne@islandhonda.com
To: [JDLTestimony](#)
Subject: HB 341 HD4 Proposed SD1 will hurt small businesses
Date: Monday, March 26, 2012 2:51:23 PM

Anne Oishi
110 Hana Hwy.
Kahului, HI 96732-2303

March 26, 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.

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,

Anne Oishi
808-873-8081

From: antya@gonorthshore.org
To: [JDLTestimony](#)
Subject: Please HOLD HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 7:46:33 PM

Antya Miller
66-434 B Kamehameha Hwy.
Haleiwa, HI 96712

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.

This will be another mandate placed on my business which will increase the cost of doing business. My business cannot afford another mandate, especially during this protracted recession.

Employers need to be able to manage employees who have excessive days off due to illness. This law will make it very expensive and difficult to manage these employees and add the "burden of proof" of whether an employee is truly ill or not to the employer. This is plain wrong!

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

Sincerely,

Antya Miller

From: ashley@bubbleshackhawaii.com
To: [JDLTestimony](#)
Subject: Please hold HB 341 HD4 Proposed SD1
Date: Tuesday, March 27, 2012 8:21:39 AM

Ashley Harding
96-1276 Waihona St unit 116/117
Pearl City, HI 96782-1972

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.

Testimony for HB 341 HD4.

My name is Ashley Harding. I own Bubble Shack Hawaii a manufacturing company in Pearl City with 16 W2 employees. I strongly oppose HB 341 and I urge you to vote against this bill. The bill in its current form is incomplete and ambiguous with previous committee not assigning defining terms to the bill. I currently offer paid sick leave, paid vacation and of course company paid healthcare. This bill which will force paid vacation/sick leave for part time employees will only force me to put more of our valued staff on unemployment. I am fortunate to have been an employer in NY, MA, MD and NH. It would be proper to do some state comparisons. Maybe a greater understanding of why investors don't want to do business in Hawaii, why this contributes to a complete false economy, how small business are already trying to stay solvent, will tell the story of how this mandate is the worst thing that could happen for Hawaii small business. Please vote against HB 341. I invite you to call me with any questions 808 455 5900. With Aloha, Ashley Harding

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

Sincerely,

Ashley Harding
8084555900

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: Toni@a3h.org
Subject: Testimony for HB341 on 3/28/2012 10:30:00 AM
Date: Tuesday, March 27, 2012 7:49:33 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: Toni Marie Davis
Organization: Activities & Attractions Association of Hawaii
E-mail: Toni@a3h.org
Submitted on: 3/27/2012

Comments:

This required paid leave burdens small business owners with additional expense and involvement in personal matters. It's over reaching & inappropriate of government. This removes the consequence of bad choices; consequences provide life lessons. What ever happened to Good Employers taking care of Good Employees & Good Employees working for Good Employers.

March 26, 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: Barbara Dofa

As a Society for Human Resource Management (SHRM) member and a Human Resources professional for a medium sized company I am **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.

My primary concerns are as follows:

1. The bill prohibits an employer from requiring documentation of the need for leave if the employee takes the leave in blocks of less than four (4) consecutive days.

There are always those employees who call in "sick" when the surf is up, partied too much the night before and an unending list of other sick call excuses. If no doctors' note is required until the fourth day this opens the door for frivolous sick calls, which leads to a problem with another aspect of the bill...

2. 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. As the leave may be taken incrementally, an employee could take leave frequently throughout the year and the set day time period would protect the employee from discipline or discharge.

It is difficult to run a business professionally and when you don't know who is going to show up to work from day to day as there are no consequences for repeated sick calls.

3. I work for a company that is a member of Hawaii Employers Council, I believe as they do and I quote "sick leave policies need to be left to the discretion of employers and should not be mandated through legislation, 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 for all employers across the board disregard the fact that different businesses have different needs and resources.

I thank you for the opportunity to testify.

Barbara Dofa

From: manager@iegfcu.com
To: [JDLTestimony](#)
Subject: HB 341 HD4 Proposed SD1 will hurt small businesses
Date: Monday, March 26, 2012 2:56:17 PM

Bernard A. Balsis, Jr.
375 Kekuanoa St.
Hilo, HI 96720-4360

March 26, 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 of paid sick leave and permit staff to use their sick leave to attend to their ill children. If this bill is passed, it will force me to reduce some of them because of the higher costs of administration of the benefits mandated by law.

As for the need to provide time off or make reasonable accommodations for abusive situation, this is already newly mandated by law.

This bill only adds another layer of bureaucracy that adds costs to both government and employers in the State.

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,

Bernard A. Balsis, Jr.
8089616691

From: betty@polyad.com
To: [JDLTestimony](#)
Subject: HB 341 HD4 Proposed SD1 will hurt Hawaii's job market
Date: Monday, March 26, 2012 2:16:20 PM

Betty Prahler
2880 Kilihau St.
Honolulu, HI 96819-2071

March 26, 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 already provide benefits, such as paid vacation that can be used in the event of illness. If this bill is passed, it will force me to reduce or even eliminate some of them.

Unfortunately, not all employees are dependable and committed to their employers. Providing paid sick days would create an opportunity for them to take more days off with no notice, causing unnecessary overtime to cover their shifts.

An employer should have the right to require a doctor's note to verify the need for the day off.

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

Sincerely,

Betty Prahler



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.

Senator Hee, Chair
Committee on Judiciary and Labor
March 28, 2012
HB 341 HD4 Proposed SD1

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.

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

For the foregoing reasons, BIA-Hawaii is **strongly opposed** to H.B. 341 HD4 Proposed SD1.

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

From: bj@butigroove.com
To: [JDLTestimony](#)
Subject: Please HOLD HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 3:56:29 PM

BJ Sabate
1806 Kalani Street
Honolulu, HI 96819-5004

March 26, 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.

Hi my name is Bj Sabate, part owner of Maui Bay Tshirt Co. Established in 1987, this silk screening business has gone through so many hard times and it is very difficult to carry on in these hard times. People are spoiled these days and the mind set should be to eat healthy, exercise, and take care of yourself. Business owners big and small do not have the option to call in sick, but rather maintain good health and be thankful for even having a job in this tough economy. I do not think this will help my business nor will it encourage my workers to eat healthy, exercise, and stay out of the doctor's office. It will give them an easy way out instead of power through the day like our ancestors did. We should be encouraging our workers to focus on prevention, which we do, instead of cure. Please help us little businesses and do not pass this. We need to toughen up the next generation and make them hungry. Mahalo, BJ

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

Sincerely,

BJ Sabate

From: blake_yokotake@7-11.com
To: [JDLTestimony](#)
Subject: HB 341 HD4 Proposed SD1 will hurt small businesses
Date: Monday, March 26, 2012 1:46:41 PM

Blake Yokotake
1755 Nuuanu Avenue
Honolulu, HI 96817-3207

March 26, 2012

Chair Hee and Members of the Committee

,

Dear Chair Hee and Members of the Committee:

Dear Chair Hee, Vice Chair Shimabukuro 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 company's business will increase the cost of doing business.

Our company already provides benefits such as, Bereavement Leave, Paid-Time-Off, Vacations, Holidays and 401k/Profit Sharing. If this bill is passed, it will force the company 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.

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

Sincerely,

Blake Yokotake
8084477201

From: bobs@times-supermarket.com
To: [JDLTestimony](#)
Subject: Please hold HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 3:56:34 PM

Bob Stout
3375 Koapaka St. D-108
Honolulu, HI 96819-1865

March 26, 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 destroys the original intent of sick leave and will be incredibly expensive for the state's many businesses. The only offset is to either reduce employee benefits or raise prices to the consumers, neither action will benefit anyone living in our state. Has anyone thought this idea through and the true impact to everyone involved, most especially all of the employers??

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

Sincerely,

Bob Stout
831-0811 X202

From: boydready@akahisvc.com
To: [JDLTestimony](#)
Subject: Please hold the mandatory paid sick leave bill
Date: Monday, March 26, 2012 2:06:40 PM

Boyd Ready
96-1367 Waihona St.
Pearl City, HI 96782-1971

March 26, 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 business already accommodates such sudden personal needs by allowing paid time off to be allocated to the surprise days needed off. To add another 3 days to this, for our 60 employees, hurts our competitiveness in several ways: 1) 180 paid days off per year suddenly adds \$29,000 to our expenses for the year, and at unexpected times; 2) Our costs for insurance and work comp are a percent of payroll, this increases those costs per actual hour worked; 3) Many competitors in our industry ignore much of the required labor rules anyway, this makes us that much less able to compete and sends revenue to companies that are not paying the State their full share; 4) This increases costs to our customers, as we will have to raise prices, and means our necessary services will lead to maintenance fee increases for condominium residents and commercial tenants; 5) The removal of requirement for Dr.'s note (covered by health insurance) means less reliability of service and a harder job for rest of crew suddenly working short when casual 'sick days' are taken off, usually without prior notice.

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

Sincerely,

Boyd Ready
808-306-9307

From: barkle@alsco.com
To: [JDLTestimony](#)
Subject: Please hold HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 2:11:22 PM

Brian Arkle
92-711 Anipeahi St
Kapolei, HI 96707-1048

March 26, 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 Brian Arkle. I work for Alsco Inc. The number of employees in Hawaii are 253. We currently offer sick leave benefits to all employees. this is a business decision made by a privately held business. In the same way our employees have the freedom to work for us or work for a competitor or a different industry, a company should also have the freedom to choose what benefits it wants to provide for its employees.

Further, I am a US Navy veteran, serving on a submarine during the cold war. I would hate to think the sacrifices made to eliminate the Soviet Union and the spread of communism/ socialism were a waste of time because our politicians have decided that freedom is not as important as the government trying to take care of its citizens. I am not suggesting that we are becoming comunists in this country. I am suggesting that too many of these new laws are communistic in nature and they strip away our freedom.

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

Sincerely,

Brian Arkle
808-834-7503

From: chris@wongsmeatmarket.com
To: [JDLTestimony](#)
Subject: HB 341 HD4 Proposed SD1 will hurt Hawaii's job market
Date: Tuesday, March 27, 2012 5:26:23 AM

Calvin Wong
1200 Sand Isle Pkwy
Hon, HI 96819

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,

Calvin Wong
8455900

From: csdp@kyd-inc.com
To: [JDLTestimony](#)
Subject: Please HOLD HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 4:11:26 PM

Carmelita Phillips
2949 Koapaka Street
Honolulu, HI 96819-1923

March 26, 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 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,

Carmelita Phillips
8088367301

From: cai@citymill.com
To: [JDLTestimony](#)
Subject: HB 341 HD4 Proposed SD1 will hurt small businesses
Date: Monday, March 26, 2012 5:21:29 PM

Carol Ai May
660 Nimitz Highway
Honolulu, HI 96817-5032

March 26, 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 Chairman Hee and Members of the Committee,

My name is Carol Ai May and I am Vice President and co-owner of City Mill Company, a 113-year old Kamaaina Firm with approximately 500 employees.

Please Hold HB 341.

Another mandate placed on my business will increase the cost of doing business and we cannot afford more regulations during these tough economic times. The economic downturn has been very difficult for us.

Additional costs or mandates will surely impact my business.

I already provide generous employee benefits and we are a "Best Place to Work in Hawaii" for 5 years. If this bill is passed, it will force me to reduce or even eliminate some of our benefits.

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.

Business is already so hard in Hawaii and we need to minimize mandates that make it difficult to do business.

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

Sincerely,

Carol Ai May
8085295806

From: [Carolyn Loeffler](#)
To: [JDLTestimony](#)
Subject: H.B. 341 HD4 Proposed SD1,
Date: Monday, March 26, 2012 4:08:05 PM

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

We STRONGLY oppose this bill.

This will be yet another detriment to a small business. From an employer point of view, this bill would be yet another way for giving paid time off. Most employees utilize all paid time away from work. Small businesses should be given the chance to make their own policies for vacations and sick leave. Not all businesses are able to afford this. If a company offers vacation time, the employee can utilize this for whatever reason they wish. If a company does not offer paid time off, it is very possible that it cannot be afforded and could break the business. There are so many café's, stores, small construction companies....the list is endless....that are doing everything in THEIR POWER just to stay in business in these hard economic times. Should this bill be passed, this could (and will) be the breaking point of many businesses.

Many small businesses will give what paid time off they are able to afford for a loss of a loved one or an immediate crisis with an employee.....this should be the determination and discretion of the business and NOT one that is mandatory by law!!

We STRONGLY OPPOSE THIS BILL.

Thank you for your attention and consideration of our thoughts.

Carolyn Loeffler

Vice President

William C. Loeffler Construction, Inc.

Hilo, HI 96720

From: csaunders@sunetric.com
To: [JDLTestimony](#)
Subject: Please HOLD HB 341 HD4 Proposed SD1
Date: Tuesday, March 27, 2012 9:41:25 AM

Chris Saunders
905 Kalaniana'ole highway Box #21
Kailua, HI 96734-4653

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

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

Sincerely,

Chris Saunders
351-1007

From: cymurata@hawaiiantel.net
To: [JDLTestimony](#)
Subject: HB 341 HD4 Proposed SD1 will hurt small businesses
Date: Tuesday, March 27, 2012 9:16:25 AM

Clarence Y. Murata O.D.
66-210 Kamehameha Hwy., Ste A
Haleiwa, HI 96712-2408

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 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,

Clarence Y. Murata, O.D.
637-5048

From: [Clayton Kim](#)
To: [JDLTestimony](#)
Subject: HB 341 SD1
Date: Monday, March 26, 2012 10:01:05 PM

I am a small business owner and have managed to remain in business for over thirty three years in Hawaii. We are still in the recovery stage since the downturn in late 2008 and 2009 and I am very concerned about the impact of the subject bill on my ability to manage my effectively manage my workforce. It is very difficult to deal with absenteeism now as I am minimally staffed, and I cannot afford to hire more workers to cover employees who may abuse their sick or safe leave. The way the bill is now drafted will easily allow for abuse of sick and safe leave if the employee does not have to provide for proper verification for less than four days leave and if I as the employer cannot take legitimate disciplinary action against abuse within ninety days because of the the legal presumption of unlawful retaliation. I can see where one bad employee can easily take unjustified sick or safe leave every week for up to three days and I cannot do anything about it.

I respectfully and sincerely hope that you reconsider this bill to be prevent abuse and be more fair to the employer.

Thank you for your attention to this.

Sincerely,

Clayton Kim
ckimnc@gmail.com

From: clint@carlsonhomeshawaii.com
To: [JDLTestimony](#)
Subject: HB 341 HD4 Proposed SD1 will hurt small businesses
Date: Tuesday, March 27, 2012 6:31:38 AM

Clint Carlson
45 Pohaku St. Suite 101
Hilo, HI 96720-4572

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 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. This is another example of government overstepping it's bounds and making it more difficult for businesses. If you want to help my business, how about enforcing the laws we already have, like stopping unlicensed contracting and making sure that licensed contractors pay their employees on the books and provide health insurance and pay GE taxes.

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

Sincerely,

Clint E. Carlson
808 933-3077

From: clyde@younglaundry.com
To: [JDLTestimony](#)
Subject: Please hold the mandatory paid sick leave bill
Date: Monday, March 26, 2012 2:31:21 PM

Clyde Elrod
Young Laundry & Drycleaning
Honolulu, HI 96819-3736

March 26, 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.

Clyde Elrod, Office Manager, Young Laundry & Dry Cleaning. 140 employees.
Laundry & Dry Cleaning services.

Each employee understands the company rules on paid or unpaid sick leave prior to the agreement to be an employee. The company budget is based on this understanding. Having an outside source change that is unthinkable. I am not sure what the reason, but this puts an additional financial strain on each business, one that could push some businesses over the line to closure.

Paid sick leave is a license to steal by many employees, often with no remorse. Requiring no proof just encourages more abuse.

For a Legislature to require a new mandate that may cause businesses to fold and thus pay no taxes and, therefore, drive the balanced budget further from reality, just makes no sense.

Please permanently delete this bill.

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

Sincerely,

Clyde Elrod
836-1661

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: colleen.chong@fairmont.com
Subject: Testimony for HB341 on 3/28/2012 10:30:00 AM
Date: Monday, March 26, 2012 4:43:21 PM

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

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Colleen Chong
Organization: Fairmont Kea Lani, Maui
E-mail: colleen.chong@fairmont.com
Submitted on: 3/26/2012

Comments:

I strongly oppose this bill as it will add to the anti-business reputation/perception of Hawaii. Also, I believe this would impose unfair burden on employers and negatively impact the workforce.

From: cmira@vantaggiohr.com
To: [JDLTestimony](#)
Subject: Please HOLD HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 5:06:27 PM

Colleen Mira
380 Huku Lii Place, Suite 205
Kihei, HI 96753-7043

March 26, 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 work for a Vantaggio HR, a Human Resources Consulting firm that assists companies of all sizes in managing their greatest assets - their employees. During our many years in business, we have witnessed conscientious employers striving to provide their employees with the best benefit package they can afford. A majority already provide some level of paid sick leave or other forms of paid time off. To implement mandated sick leave would be detrimental to all businesses. Those already providing a sick leave benefit would have to deal with an additional administrative burden. Other businesses, already struggling to juggle rising costs of their benefit package, would be financially impacted by having to offer more than they can afford. I believe that Hawaii's employers are already doing the best they can for their employees and as such, are in agreement with the spirit behind the proposed legislation. Employers already recognize the value of an employee and strive to offer the most generous benefits that they can. A legislative mandate is NOT necessary.

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

Sincerely,

Colleen Mira
808-661-3614

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: dayanef@crazyshirts.com
Subject: Testimony for HB341 on 3/28/2012 10:30:00 AM
Date: Monday, March 26, 2012 4:53:38 PM

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

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Dayane Florian
Organization: Crazy Shirts
E-mail: dayanef@crazyshirts.com
Submitted on: 3/26/2012

Comments:

We strongly oppose this bill. We are a small retail company that needs employees to show up for work in order to open our doors for customers and generate business in the beautiful State of Hawaii. We urge our employees to not abuse our attendance policy and to take time off from work only when truly ill or a family member is truly ill and needs our employees support at home. If passed, this bill will enable employees to abuse our attendance policy and there will be no consequences or accountability for their abuse. If employees cannot come to work and are "safe" from any consequences and do not have to provide any proof of their illness to us, we may have situations where our doors will be closed for business on certain days because as a small retailer at times we have only one employee running a store for an entire shift. We support our employees' work/life balance and don't want our employees coming to work when they are sick, but unfortunately this bill opens the door for abuse and does nothing to protect the company and it's business from such abusers.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: breaking-the-silence@hotmail.com
Subject: Testimony for HB341 on 3/28/2012 10:30:00 AM
Date: Monday, March 26, 2012 11:10:06 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: Dara Carlin, M.A.
Organization: Individual
E-mail: breaking-the-silence@hotmail.com
Submitted on: 3/26/2012

Comments:

From: darrel_tajima@deanfoods.com
To: [JDLTestimony](#)
Subject: Please do not pass HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 8:26:32 PM

Darrel Tajima
P.O. Box 1880
Honolulu, HI 96805-1880

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 us will certainly increase the cost of doing business.

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

We are struggling to maintain slim margins already. Additional costs or mandates will surely adversely impact our business.

We already provide benefits such as sick leave/PTO, vacation, holidays, medical, dental, 401(k), pension and more. If this bill is passed, it may force us to consider reducing or even eliminating 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.

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

Sincerely,

Darrel Tajima
808-944-5958

From: djr@teamdeluz.com
To: [JDLTestimony](#)
Subject: Please hold HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 3:06:26 PM

David De Luz Jr.
811 Kanoelehua Avenue
Hilo, HI 96720-5114

March 26, 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.

We already provide comparable benefits. If this bill is passed, it will force us to relook at our benefit package and possibly reduce or even eliminate some of them.

The challenge today is to KEEP our current team members employed FULL time AND increas our busiess so that we may consider hiring MORE team members.

We need MORE people working so that the State can collect MORE tax revienue!

PLEASE do not over mandagte us! PLEASE simplify and REDUCE mandates so that we do what we do BEST, keep our team members employed, grow our business so we can HIRE more new team memebbers to that we reamin profitable and pay taxes to allow government to do their jobs!

I would appreicate your serious consideration to my concerns and ask that you NOT support this mandatory sick leave bill.

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

Sincerely,

David S. De Luz, Jr.
808-895-4284

From: khopdeb@hawaiiintel.net
To: [JDLTestimony](#)
Subject: HB 341 HD4 Proposed SD1 will hurt small businesses
Date: Monday, March 26, 2012 6:41:24 PM

DEBRA CHING MAIAVA
Ken's House of Pancakes 1730 Kamehameha Avenue
Hilo, HI 96720-4239

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.

AS A SMALL BUSINESS, WE ARE STILL FIGHTING TO STAY SOLVENT.
IT APPEARS THAT THE ECONOMY IS EVER SO SLIGHTLY BETTER THAN THIS TIME LAST YEAR, BUT IN NO WAY IS IT CAPABLE OF SUSTAINING OUR BUSINESS WITHOUT CONTINUED STRUGGLING ...TO IMPOSE MORE MANDATES THAT WILL EMPOWER THE EMPLOYEE WITH BENEFITS HE/SHE MAY NOT TRULY NEED, IS TO WEAKEN THE FIGHT TO STAY ALIVE FOR SMALL BUSINESS. IF EMPLOYEE DOES NEED THE TIME OFF FOR THE REASONS CITED,ISN'T FMLA SUFFICIENT?

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

Sincerely,

DEBRA CHING MAIAVA
808 935-8711

From: dennis@dlkennedycorp.com
To: [JDLTestimony](#)
Subject: Please hold HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 1:26:33 PM

Dennis Kennedy
91-110 Hanua Street
Kapolei, Suite 212, HI 96707-1705

March 26, 2012

Testimony to the Senate Judiciary and Labor Committee
Wednesday, March 28, 2012
10:30 a.m.
Room 016,

Dear Testimony to the Senate Judiciary and Labor Committee:

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

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

Dennis Kennedy
DL Kennedy Corp.
Back Office Solutions, Tours, Event and a Non-profit. 8 employees.

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,

Dennis Kennedy
8086825140

From: dy@kyd-inc.com
To: [JDLTestimony](#)
Subject: Please do not pass HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 4:11:22 PM

Dexter Yamada
2949 Koapaka Street
Honolulu, HI 96819-1923

March 26, 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.

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,

Dexter Yamada
8088367301

From: dianesumida@yahoo.com
To: [JDLTestimony](#)
Subject: Please do not pass HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 7:06:21 PM

Diane Sumida
2138 Main St.
Wailuku, HI 96793-1637

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 writing to you to express my concern over this bill that provides sick leave. Another mandate placed on my business will increase the cost of doing business. During these tough economic times my business cannot afford another mandate. I am already paying for health care which is a huge cost to the business. My company's priority are our employees. Therefore my company do provide benefits that we can afford and create a positive work environment. This bill will have an impact on my business.

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

Sincerely,

Diane Sumida
8082448211

From: diony@crazyshirts.com
To: [JDLTestimony](#)
Subject: HB 341 HD4 Proposed SD1 will hurt Hawaii's job market
Date: Monday, March 26, 2012 2:41:26 PM

Dion Yasui
99-969 Iwaena Street
Aiea, HI 96701-3249

March 26, 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. These kinds of actions just certify our position as a business unfriendly state. Use our session's time to concentrate on leveling the business playing field instead of making it unplayable lie. And if you haven't realized it yet, the competition is not small business. The competition are entities that channel M1 of the system.

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

Sincerely,

Dion Yasui
8084879919

From: doug.sears@hyatt.com
To: [JDLTestimony](#)
Subject: Please HOLD HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 1:46:32 PM

Doug Sears
1571 Poipu Road
Koloa, HI 96756-9402

March 26, 2012

Testimony to the Senate Judiciary and Labor Committee
Wednesday, March 28, 2012
10:30 a.m.
Room 016,

Dear Testimony to the Senate Judiciary and Labor Committee:

Dear Chair Hee, Vice Chair Shimabukuro 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,

Doug Sears

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: coithawaii@gmail.com
Subject: Testimony for HB341 on 3/28/2012 10:30:00 AM
Date: Tuesday, March 27, 2012 7:49:46 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: Ed Simon
Organization: Individual
E-mail: coithawaii@gmail.com
Submitted on: 3/27/2012

Comments:

I am a small business owner. This bill is to loosely written with to many loop holes. If my employees have this problem we deal with it at our level. We have had this situation occur and we handled the situation accordingly and to all concerned satisfaction. Lets keep this issue at the business level.
Thanks: Ed Simon

From: edward@kauaiislandtours.com
To: [JDLTestimony](#)
Subject: Please HOLD HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 2:11:38 PM

Edward Matsukawa
2960 Aukele St
Lihue, HI 96766-1462

March 26, 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'm operating on slim margins already. Additional costs or mandates will surely impact my 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.

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

Sincerely,

Edward Matsukawa
245-4777

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: jackie@fair-wind.com
Subject: Testimony for HB341 on 3/28/2012 10:30:00 AM
Date: Tuesday, March 27, 2012 10:23:47 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.

From: gmiyash@gmail.com
To: [JDLTestimony](#)
Subject: Please hold the mandatory paid sick leave bill
Date: Monday, March 26, 2012 3:16:31 PM

Gaiol Miyashiro
969 Kilauea Ave.
Hilo, HI 96720-4216

March 26, 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.

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 already provide benefits [medical/dental/drug/vision insurance; free meals; free uniforms]. 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,

Gaiol Miyashiro

From: gary@tropicaljs.com
To: [JDLTestimony](#)
Subject: HB 341 HD4 Proposed SD1 will hurt small businesses
Date: Monday, March 26, 2012 4:31:20 PM

Gary Barnes
5 Sand Island Access Rd #122
Honolulu, HI 96819-4907

March 26, 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. With that said, the cost of living is high in Hawaii and although our lowest paid employees receive double minimum wage, they still are often in financial stress which motivates some to either take advantage of or abuse almost every good deal we offer. And we offer quite a few. They already have two weeks of vacation which few will ever use for sick time off. Our practice of requesting doctor's notes when more than a 1-2 days are taken for illness is the only thing that keeps a 1-2 day "stomach ache" from becoming a week. I spent 25 yrs in civil service and the military and sick leave was constantly abused by civil service employees...if this bill is passed, we certainly will reduce either vacation time, overtime, or other benefits we provide.

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

Sincerely,

Gary Barnes
8088480888

From: gprice@diamondbakery.com
To: [JDLTestimony](#)
Subject: Please hold HB 341 HD4 Proposed SD1
Date: Tuesday, March 27, 2012 8:46:35 AM

George Price
756 Moowaa St.
Honolulu, HI 96817-4405

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.

Diamond Bakery Company, Ltd. has a 90 year history of providing jobs for the people of Hawaii. It is the largest manufacturer of crackers and cookies in the state. Our mission of "Sharing Heartwarming Aloha" is present in everything we do.

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.

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

We already provide benefits including sick, vacation, medical, 401(k) with matching, group life. 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.

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

Sincerely,

George T. Price

From: takakig002@hawaii.rr.com
To: [JDLTestimony](#)
Subject: Please HOLD HB 341 HD4 Proposed SD1
Date: Tuesday, March 27, 2012 8:01:22 AM

Gordon Takaki
PO Box 4425
Hilo, HI 96720-0425

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.

Gordon Takaki
Financial
Less than 100 employees

I already provide Personal Time Off (PTO) benefits. If this bill is passed, it will force me to reduce the number of PTOs equal to the number of proposed "mandatory paid sick leave" which may go unused by many employees. The net result is they'll receive less PTOs.

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,

Gordon Takaki
(808)430-5720

From: grace@kingneel.com
To: [JDLTestimony](#)
Subject: HB 341 HD4 Proposed SD1 will hurt Hawaii's job market
Date: Monday, March 26, 2012 1:51:32 PM

Grace Ko
1164 Bishop St., #1710
Honolulu, HI 96813-2860

March 26, 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,

Grace

TESTIMONY BEFORE THE SENATE
COMMITTEE ON JUDICIARY AND LABOR

Wednesday, March 28, 2012
10:30 a.m.

HB 341, HD 4, Proposed SD 1
Relating to Employment Practices

By Sherri-Ann Loo
Manager, HR Strategies and Programs
Hawaiian Electric Company, Inc.

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

Hawaiian Electric Co. Inc., its subsidiaries, Maui Electric Company, LTD., and Hawaii Electric Light Company, Inc. **respectfully oppose H.B. 341, HD4, proposed SD1.** Our companies represent over 2,000 employees.

We oppose the proposed S.D. 1 of H.B. 341 because it is unnecessary, overly punitive to employers, and does not protect against employee abuse.

Many companies such as ours already provide generous paid sick leave benefits and comply with both the federal Family Medical Leave Act (FMLA) and Hawaii Family Leave Law (HFLL) which already provides for job protection and protected leave. Under current law, FMLA and HFLL, employees can already substitute paid vacation leave or sick leave with their company's normal leave policy. In addition, Act 206, Session Laws of Hawaii 2011, provides additional employment rights to victims of domestic and sexual violence, including requiring employers to provide reasonable accommodations to such employees, including allowing time off to address needs pertaining to domestic and sexual violence. Act 206 thus already addresses and provides the safe leave the proposed S.D. 1 of H.B. 341 seeks to provide. Collectively, these laws (FMLA, HFLL, Act 206) already provide a generous level of leave and protection; therefore this proposed bill is unnecessary.

H.B. 341, proposed S.D. 1 also creates a rebuttable presumption that any adverse employment action taken within 90 days of when an employee takes paid sick and safe leave creates an undue restriction on employer's ability to effectively manage their workforce and allows for serious abuse by employees. Such presumption hampers employers' ability to take legitimate disciplinary action, with the 90 day clock resetting each time an employee takes leave under this bill. While the bill has strong sanctions against employers for any violation, it has no sanctions against employee abuse and in fact, discourages employers from requiring proof that the sick and safe leave requested is legitimate. For example, the bill allows an employer to require reasonable documentation that the sick and safe leave is covered by this bill. However, if the employer chooses to require this documentation and the employee does not have

health insurance, the employer becomes responsible for paying all out of pocket expense the employee incurs in obtaining the documentation.

For these reasons, we respectfully oppose H.B. 341, proposed S.D. 1 and request that this measure be held.

Thank you for this opportunity to submit testimony.

From: jacinda@soultrexinc.com
To: [JDLTestimony](#)
Subject: HB 341 HD4 Proposed SD1 will hurt small businesses
Date: Tuesday, March 27, 2012 5:16:23 AM

Jacinda Elias
46-056 Kamehameha Hwy., #202
Kaneohe, HI 96744-6711

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.

Aloha Chair Hee and Members of the Committee:

My name is Jacinda Elias and I am the owner and President of SoulTrex. SoulTrex is the outdoor store at the Windward Mall and employees 8 people.

We are committed to making a difference in our world by inspiring people to connect with the outdoors, respect our Aina and each other. We treat our employees like family and do everything possible to support them.

In our local business environment and this economy it takes everything we have, including risking every dollar I saved and every asset I had, to make this business run. We are making a difference and we are employing local people.

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

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,

Jacinda Elias
808 247 8735

From: jdeluz@teamdeluz.co
To: [JDLTestimony](#)
Subject: Please hold the mandatory paid sick leave bill
Date: Tuesday, March 27, 2012 9:56:28 AM

Jacqueline De Luz Watanabe
811 Kanoelehua Avenue
Hilo, HI 96720-5114

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.

Chair Hee and Members of the Committee:

I implore you not to place another mandate like this bill that will increase our cost of doing business in Hawaii. We have been an employer on the Big Island for nearly 50 years, in many industries and different areas of the island.

Our business simply cannot afford another mandate especially when struggling through several years of tough economic times with little or no light at the end of the tunnel.

We are operating on slim margins, having to cut on everything. We have struggled to hold onto our most important asset - our people but this mandate will force our hand to consider cutting much-needed jobs in our community. We already know the value of our employees and we have always strived to provide competitive benefits and pay.

We already provide similar, comparable benefits, we are a union employer, and we will be forced to cut other benefits in order to comply with this overly restrictive bill.

Please help us as employers to continue employing people and getting our economy moving positively forward!

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

Sincerely,

Jacqueline De Luz Watanabe
8088955099



Friendly Market Center, Ltd

March 27, 2012

HB 341 HD4 [Proposed SD1](#)

Dear Sir or Madam:

Friendly Market Center has been a retail grocery store located in Kaunakakai servicing the people of Molokai since 1953.

We are writing to oppose HB 341 HD4 Proposed SD1 which would mandate businesses such as ours, to provide paid sick leave to employees.

Friendly Market truly believes our employees are our biggest asset and to that end provide them with competitive wages, 100% medical/dental/drug/vision, 401k, profit sharing, vacation time, etc. When employees are ill we adjust and work with them so they can still receive their work hours. However, mandating us to provide paid sick leave is setting us up for work ethic conflict. The modern employee seldom comes to us with acceptable work ethics. It takes a lot of training to develop good working habits in employees and even then, we are not always successful. I hate to use our County workers as an example, but they set an example of poor work ethic and sick leave abuse for all of us to see. We ask that you do not make Friendly Market's workforce development more difficult by mandating paid sick leave.

Thank you for your kind attention.

Sincerely,

Jeffrey S Egusa
President / General Manager

Your Family Store on Moloka'i.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: jeracah.lawless@hpmhawaii.com
Subject: Testimony for HB341 on 3/28/2012 10:30:00 AM
Date: Monday, March 26, 2012 3:57:16 PM

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

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Jeracah Lawless
Organization: Individual
E-mail: jeracah.lawless@hpmhawaii.com
Submitted on: 3/26/2012

Comments:

I respectfully oppose HB341 "sick and safe" leave bill. This bill will create an undue hardship on employers and reduce the amount of flexibility employers and employees have in arranging schedules that work for both. It could also have the unintended consequence of protecting poorly performing employees from termination for performance issues (not leave) because the employee recently took sick or safe leave. Continuing to employ poorly performing employees reduces morale of the rest of the staff and decreases the company's ability to be successful. Employees already have protected leave for these purposes through FMLA and/or Hawaii Family Leave Law.

From: jerry.westenhaver@hyatt.com
To: [JDLTestimony](#)
Subject: HB 341 HD4 Proposed SD1 will hurt Hawaii's job market
Date: Monday, March 26, 2012 3:01:22 PM

Jerry Westenhaver
2424 kalakaua ave
Honolulu, HI 96815-3233

March 26, 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.

HB 341 HD4 Sd1 is going to be a major burden on business. It is poorly written in the first place with no accountability built into which will add cost that can not be measured on to all business. The way this bill is presented it is more like addition to vacation time not and will not use as sick leave. Many business can only do so much with out going under with the margins they work with. This will be a job killer.

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

Sincerely,

Jerry Westenhaver
808 923 1234

From: laulaujill@gmail.com
To: [JDLTestimony](#)
Subject: Please do not pass HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 1:26:24 PM

Jill Lau
2911 pahoehoe place
honolulu, HI 96817-1414

March 26, 2012

Testimony to the Senate Judiciary and Labor Committee
Wednesday, March 28, 2012
10:30 a.m.
Room 016,

Dear Testimony to the Senate Judiciary and Labor Committee:

Dear Chair Hee, Vice Chair Shimabukuro 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 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,

Jill Lau

From: senioroptionshawaii@yahoo.com
To: [JDLTestimony](#)
Subject: Forced sick leave policy
Date: Monday, March 26, 2012 7:42:25 PM

Aloha,

I have a small business. I am legal honest and fair, to both my clients and team members.

This bill will force me to lay off workers due to cost.

My goal is to offer sick or personal time off. But to force me for all will kill the business. Profit margins are very thin now. I can not raise prices on clients. I will be forced to have lay offs and higher unemployment.

Please consider all the negative consequence and vote No!

Mahalo
Jo E Youngs

From: feralkatz@aol.com
To: [JDLTestimony](#)
Subject: Please hold HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 11:36:22 PM

John Corboy
95-717 Kipapa Dr. #23
Mililani, HI 96789-1038

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

I already provide generous sick benefits. If this bill is passed, the administrative burden will force me to reduce or even eliminate some of them.

You are butting into my free-association contract with my employees. In a free society this is really NONE of your business!

The state is already insolvent. This mandate would be costly for businesses to comply with, and impossibly expensive for you to enforce.

Surely, you have more important business to do, and few dollars with which to do it. Have the wisdom to stop this type of socialist meddling.

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

Sincerely,

John M Corboy, MD Corboy Ptnshp
808-627-0824

From: john@johnriggins.com
To: [JDLTestimony](#)
Subject: Please hold HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 2:06:35 PM

John Riggins
91-210 Oaniani Place
Kapolei, HI 96707-2624

March 26, 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.

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.

Due to government mandates and in order to stay in business, I have gone from 16 employees in 1990 to 1 employee today.

I have out sourced jobs to less expensive and more business friendly parts of the US and overseas in order to remain in business in Hawaii.

It's beyond my comprehension as a business person how anyone can come up with the ideas that come up in the legislature to kill jobs and income for Hawaii residents.

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

Sincerely,

John Riggins
8086741111

From: karenskaife@comcast.net
To: [JDLTestimony](#)
Subject: Please do not pass HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 3:51:25 PM

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

March 26, 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: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: Krivera001@hawaii.rr.com
Subject: Testimony for HB341 on 3/28/2012 10:30:00 AM
Date: Tuesday, March 27, 2012 9:44:35 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: Kathryn Rivera
Organization: Individual
E-mail: Krivera001@hawaii.rr.com
Submitted on: 3/27/2012

Comments:

From: bubbiesicecream@hawaii.rr.com
To: [JDLTestimony](#)
Subject: HB 341 HD4 Proposed SD1 will hurt Hawaii's job market
Date: Monday, March 26, 2012 4:01:22 PM

Keith Robbins
99-1267 Waiua Place
Aiea, HI 96701-5642

March 26, 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 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,

Keith Robbins
808-487-7218

From: ksanders@oceannetwork.tv
To: [JDLTestimony](#)
Subject: Please hold the mandatory paid sick leave bill
Date: Monday, March 26, 2012 9:56:20 PM

Ken Sanders
269 Kaelepulu Drive
Kailua, HI 96734-3311

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 Ken Sanders, CEO of Ocean Network, an Internet Broadcasting company, featuring all-ocean programming, based in Hawaii. I have four employees besides myself.

We haven't even totally climbed out of the Recession yet, My business cannot afford another mandate especially during these tough economic times.

My team has willingly accepted our employment terms, I don't want or need government interference.

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

Please leave us alone to manage our own business.

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

Sincerely,

Ken Sanders
808-256-7263

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: kennethn@kapiolani.org
Subject: Testimony for HB341 on 3/28/2012 10:30:00 AM
Date: Monday, March 26, 2012 1:51:51 PM

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

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Kenneth Nakamura
Organization: Individual
E-mail: kennethn@kapiolani.org
Submitted on: 3/26/2012

Comments:

From: kirkgreenman@hotmail.com
To: [JDLTestimony](#)
Subject: HB 341 HD4 Proposed SD1 will hurt Hawaii's job market
Date: Monday, March 26, 2012 2:36:27 PM

Kirk Greenman
35 Mohala St. Ste. 5M
Kaunakakai, HI 96748

March 26, 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 have a small business and complying with this mandate will be detrimental to my business. It's already difficult to survive this economic downturn.

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,

Kirk Greenman
8085534447

From: lane@bigcitydinerhawaii.com
To: [JDLTestimony](#)
Subject: HB 341 HD4 Proposed SD1 will hurt small businesses
Date: Monday, March 26, 2012 2:01:33 PM

Lane Muraoka
94-800 Ukee Street
Waipahu, HI 96797-4044

March 26, 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 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 electric and gas bills have doubled over the last 5 years; consequently, our product costs have gone through the roof...we used to pay \$8-10 for a bag of rice, now it's over \$30! Now, with gas going over \$4.50 per gallon, our shipping costs from Matson/Horizon and our distributors are outrageous!

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

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,

Lane T. Muraoka
8086783895

From: lkawasak@youngsmarket.com
To: [JDLTestimony](#)
Subject: Please hold the mandatory paid sick leave bill
Date: Monday, March 26, 2012 10:11:21 PM

Laurie Kawasaki
94-501 Kau Street
Waipahu, HI 96797-4236

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 Laurie Kawasaki, VP Finance of 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.

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

Sincerely,

Laurie Kawasaki

From: laurier808@gmail.com
To: [JDLTestimony](#)
Subject: Please HOLD HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 6:36:31 PM

Laurie Rodriguez
46-056 Kamehameha Hwy. #111
Kaneohe, HI 96744-6703

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 are barely surviving as it is, my fellow retailers are closing up their small businesses because "it is just not worth it" to stay open. We make so little 'take home money'...why doesn't the legislators do something for the small businesses so we can stay open, provide jobs and make a living. Don't any of you (legislators) own small business, talk to small business even know what a small business IS??? WE are your neighbors, not the people in mansion on the top of the hill!!! GET REAL, make some bills to HELP small business...or soon more of us will be closing our doors!!!

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.

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,

Laurie Rodriguez
808-372-9525

From: hr@hawaiicaterers.com
To: [JDLTestimony](#)
Subject: Please hold HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 1:41:27 PM

Lisa Rabe
P.O. Box 17805
Honolulu, HI 96817-0805

March 26, 2012

Testimony to the Senate Judiciary and Labor Committee
Wednesday, March 28, 2012
10:30 a.m.
Room 016,

Dear Testimony to the Senate Judiciary and Labor Committee:

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

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

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 already provide benefits such as PTO and vacation, not to mention medical and dental insurance]. If this bill is passed, it will force me to reduce or even eliminate some of our benefits. Or we would have to reduce our labor force which would cause us to turn away business, harming our income even more.

The end result would be we would have to close our doors and we'd be yet another business biting the dust.

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

Sincerely,

Lisa Rabe

From: lredlew@pacifictransfer.com
To: [JDLTestimony](#)
Subject: Please hold HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 3:41:18 PM

Lorri Redlew
PO Box 30329
Honolulu, HI 96820-0329

March 26, 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'm operating on slim margins already. Additional costs or mandates will surely impact my 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.

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

Sincerely,

Lorri Redlew
8088363871

From: ldarnell@comtelhi.com
To: [JDLTestimony](#)
Subject: HB 341 HD4 Proposed SD1 will hurt Hawaii's job market
Date: Monday, March 26, 2012 1:36:27 PM

Louis Darnell
99-860 Iwaena Street Suite 102
Honolulu, HI 96701-5608

March 26, 2012

Testimony to the Senate Judiciary and Labor Committee
Wednesday, March 28, 2012
10:30 a.m.
Room 016,

Dear Testimony to the Senate Judiciary and Labor Committee:

Dear Chair Hee, Vice Chair Shimabukuro 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 already provide generous medical insurance benefits. If this bill is passed, it will force me to have my employees contribute to their medical insurance and eliminate their drug coverage.

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

At some point, I will be forced to close my business and lay off 15 employees.

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

Sincerely,

Louis Darnell
356-0010

From: lgphillips@hawaii.rr.com
To: [JDLTestimony](#)
Subject: HB 341 HD4 Proposed SD1 will hurt Hawaii's job market
Date: Monday, March 26, 2012 2:26:49 PM

Lyle Phillips
PO Box 4356
Hilo, HI 96720-0356

March 26, 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.

Hey, this bill is a good idea and here's another.
I'm retired and I think my former employer should pay me extra benefits for the same provisions for not being able to enjoy my well earned retirement. Sounds as reasonable as this bill does and the unions will go for it.. Give business a break in these hard times, please.

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

Sincerely,

Lyle Phillips

From: mrubenstein@royalstarhawaii.com
To: [JDLTestimony](#)
Subject: Please hold HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 1:46:37 PM

Marc Rubenstein
5 Sand Island Access Rd #121
HONOLULU, HI 96819-4907

March 26, 2012

Testimony to the Senate Judiciary and Labor Committee
Wednesday, March 28, 2012
10:30 a.m.
Room 016,

Dear Testimony to the Senate Judiciary and Labor Committee:

Dear Chair Hee, Vice Chair Shimabukuro 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 Marc Rubenstein, I am the Vice President and General Manager of Royal Star Hawaii, employing over 80 people in the transportation business. Our parent company employs over 500 people.

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

Another mandate placed on my business will increase the cost of doing business, in an already competitive business and in a tough economic environment!

I already provide benefits like Medical, Dental, Vision, & Drug insurance, a 401k retirement plan, sick days, vacation days, birthday, and an Employee Stock Ownership Plan. If this bill is passed, it will force me to consider reducing or even eliminating 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,

Marc Rubenstein
8088326261

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: markhubbard@hawaiiantel.net
Subject: Testimony for HB341 on 3/28/2012 10:30:00 AM
Date: Monday, March 26, 2012 1:15:55 PM

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

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Mark Hubbard
Organization: Individual
E-mail: markhubbard@hawaiiantel.net
Submitted on: 3/26/2012

Comments:

I certainly hope that the Legislature does not believe the 17 items in section 1 of HB 341, because I believe most have serious errors.

Not the least of which is item 7 - Providing a minimal amount of paid sick leave is affordable for employers. I believe HB 341 could be the straw that breaks the camel's back. Is that "affordable"? Using another phrase, HB 341 is "just" another one of the thousand cuts that kills the economy.

Please do not consider this or any other mandate on the State's employers or employees. The best thing the Legislature can do is stay out of the way of the free enterprise system and when you see a problem, use a rifle, never a shotgun. Thank you.

From: arboristservices@aol.com
To: [JDLTestimony](#)
Subject: Please do not pass HB 341 HD4 Proposed SD1
Date: Tuesday, March 27, 2012 10:01:28 AM

Mark O'Dell
P O Box 1114
Kamuela, HI 96743-1114

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 have a small business on the Big Island and complying with this mandate will be detrimental to my business. It's already difficult to survive this economic downturn. This mandate affects not only small businesses in a negative way but it may also affect the people of Hawaii as costs for living in Hawaii is increased even more. Additional costs placed on my business through mandates will increase the cost of doing business which I will not be able to pass on to customers if I want to continue doing business here. I'm operating on slim margins already. Additional costs or mandates will surely impact my business in a negative way. 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. Wages paid to my employees are over the minimum wage requirement. My employees also receive medical benefits. 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,

Mark O'Dell
808-324-4731

From: mark.rodde@paccoast.com
To: [JDLTestimony](#)
Subject: Please hold HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 1:41:31 PM

Mark Rodden
91-550 Awakumoku Street
Kapolei, HI 96707-1841

March 26, 2012

Testimony to the Senate Judiciary and Labor Committee
Wednesday, March 28, 2012
10:30 a.m.
Room 016,

Dear Testimony to the Senate Judiciary and Labor Committee:

Dear Chair Hee, Vice Chair Shimabukuro 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.

Please kill this Bill now, 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,

Mark Rodden
8088415677

From: marshall@hawnice.com
To: [JDLTestimony](#)
Subject: Please do not pass HB 341 HD4 Proposed SD1
Date: Tuesday, March 27, 2012 5:36:31 AM

Marshall Joy
1125 N Nimitz Hwy
Honolulu, HI 96817-4522

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 [We provide Personal Leave in which an employee can earn 2.5 hrs of paid personal leave, per pay period]. If this bill is passed, it will force me to reduce or even eliminate some of them.

Our company 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.

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

Sincerely,

Marshall L Joy
808-538-6918



Marukai Corporation
2310 Kamehameha Hwy.
Honolulu, HI 96819
Fax: 808-841-2379
Telephone: 808-845-5053

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.

In Opposition.

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

Marukai opposes this "one-size fits all" bill as it would negatively impact our business. A mandate placed on our business will increase the cost of doing business. We're operating on slim margins and any additional costs will impact our ability to continue business without reducing labor, increasing the cost of health benefits and raising consumer prices.

We already provide paid vacation and sick leave. If this bill is passed, it will impact us to reduce or even eliminate employee benefits. Our company priority and asset are our employees and we do everything we can to create a positive work environment and provide benefits that we can afford.

Marukai respectfully requests that this measure be held.

Thank you for the opportunity to provide this testimony.



March 26, 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: Vernon M. Oato, SPHR, Human Resources Director

As the Director of Human Resources and representative for Maui Economic Opportunity (MEO), I would like to express our position on 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 opinion mirrors the position taken by the Hawaii chapter of the Society of Human Resources Professionals (SHRM), which is:

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.
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. This will be felt most by small businesses who can anticipate approximately \$1,000 per year per employee, and an employer of 10 or more, more than twice that. 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

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Community Action changes people's lives, embodies the spirit of hope, improves communities, and makes America a better place to live. We care about the entire community, and we are dedicated to helping people help themselves and each other.



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.

MEO respectfully ask the committee members to review this bill with these considerations and work with representatives of our professional organization in this matter.

Thank you for your time and consideration.

Sincerely,

Vernon M. Oato, SPHR
Director of Human Resources

From: melvin.kam@hawaiianisles.com
To: [JDLTestimony](#)
Subject: Please HOLD HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 3:31:23 PM

Melvin Kam
2839 Mokumoa Street
Honolulu, HI 96819-4402

March 26, 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 [sick leave]. 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.

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

Sincerely,

Melvin Kam
808-833-2244

From: info@intradecorporation.com
To: [JDLTestimony](#)
Subject: Please do not pass HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 2:46:21 PM

Michael Owens
743 Waiakamilo Rd Ste H
Honolulu, HI 96817-4336

March 26, 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.

Increasing the costs of doing business in Hawaii will have the net effect of decreasing the health of Hawaii's economy. All increases in the cost of doing business in the State are passed on to the consumer via increased prices or decreased service. Take your pick.

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

Sincerely,

Michael Owens

From: michael@martinandmacarthur.com
To: [JDLTestimony](#)
Subject: Please do not pass HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 2:31:23 PM

Michael Tam
Martin & MacArthur
Honolulu, HI 96819-3136

March 26, 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 will cripple small businesses.

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

Sincerely,

Michael Tam
845-6688

From: milesichinosemiles.ichinose@partners.mcd.com
To: [JDLTestimony](#)
Subject: Please do not pass HB 341 HD4 Proposed SD1
Date: Tuesday, March 27, 2012 7:36:21 AM

Miles Ichinose
1350 HighviewPlace
Honolulu, HI 96816-3208

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,

Miles Ichinose
735-7580

From: miyukih@centerscale.com
To: [JDLTestimony](#)
Subject: Please hold HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 4:56:22 PM

Miyuki Hirano-Hollingworth
2632 Kilihau St Unit A
Honolulu, HI 96819-2067

March 26, 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 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'm operating on slim margins already. Additional costs or mandates will surely impact my business.

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

Sincerely,

Miyuki Hirano-Hollingworth
808-834-8599

From: affordablebusserv@hawaii.rr.com
To: [JDLTestimony](#)
Subject: Please HOLD HB 341 HD4 Proposed SD1
Date: Tuesday, March 27, 2012 7:31:28 AM

MURIEL BOOT
75-5629 Kuakini Hwy, Ste E
Kailua Kona, HI 96740-1664

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 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,

MURIEL BOOT
808-329-3791

From: nancyc@daylum.com
To: [JDLTestimony](#)
Subject: Please HOLD HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 2:21:48 PM

Nancy Cabral
2 Kamehameha Ave
Hilo, HI 96720-2830

March 26, 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, Please, Please, STOP trying to kill private business. It appears you want everyone to go out of business so the government can come in and provide all the services needed in society. Do you really want our economic system to be that of Communism Economy.

I have 22 employees ou already get 56 hours a years ofpaid sick leave and additoinal vacation time. I would hire more, but between all the government regulations and the super high unemployment tax (i pay to people i have never met nor fired), I can't afford to give more people a job - THINK ABOUT IT!!!!

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

Sincerely,

Nancy Cabral
808-935-4152

From: njones@hawaii Realtors.com
To: [JDL Testimony](#)
Subject: Please hold the mandatory paid sick leave bill
Date: Monday, March 26, 2012 2:31:15 PM

Nancy Donahue - Jones
Hawaii Association of Realtors (HAR)
Honolulu, HI 96816-3793

March 26, 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 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,

Nancy Donahue - Jones
733-7060

OCEAN SPORTS

P.O. Box 383699
69-275 Waikoloa Beach Drive
Waikoloa, Hawaii 96738

808-886-6666 voice
808-885-5555 facsimile
WWW.HAWAIIOCEANSPTS.COM

March 27, 2012

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
Honolulu, HI

RE: HOLD HB 341 HD4 Proposed SD1

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

I am the President of Nanea Kai, Inc. on the island of Hawaii. We are in the beach and boat activity business and employ approximately 60 people. We have been in business 30 years, mostly just surviving and enjoying a lifestyle, not a profitable career.

We operate on a slim margin and are creative in how we provide benefits to our employees. We choose those benefits that our employees desire and deserve. I strongly oppose having the state dictate what benefits we choose to provide. It unfairly demands our resources be placed in benefits that may, or may not be the choice of our employees. In addition, it reduces the competitiveness of our benefit package since all employers will be forced to offer the same benefits at the expense of benefits more desirable to our employees.

Please reduce the administrative overhead of our government in passing an additional regulation which must be enforced with public funds and allow small businesses to survive in these economic times.

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

Sincerely,



Judith Jennet
President, Nanea Kai Inc.

TO: Members of the Committee on Judiciary and Labor

FROM: Natalie Iwasa, CPA
Honolulu, HI 96825
808-395-3233

HEARING: 10:30 a.m. Wednesday, March 28, 2012

SUBJECT: HB 341, HD4, Proposed SD1, Relating to Employment Practices - **OPPOSED**

Aloha Chair and Senators,

Thank you for allowing me to provide testimony in opposition to HB 341, HD4, Proposed SD1 which would mandate sick and safe leave for all employees who work for a small business, which is defined basically as an entity or individual that employs less than 100 people during a given week. The amount of paid sick and safe leave is blank.

This bill simply goes too far in its attempt to offer additional benefits to workers. Smaller businesses in particular will be negatively impacted should this bill pass into law. Has anyone thought about how an employer will pay for these benefits? We are just coming out of a recession, and any new hires will likely be paid at a lower rate or prices will increase.

I find the following provisions particularly troublesome:

Page 2 - Providing a minimal amount of paid sick leave is affordable for employers. On what basis is this statement made? Two of my not-for-profit clients terminated most of their employees just last year because funding dried up. The owners of another one took out an additional mortgage on their home to loan to their company just to stay afloat. I'm sure there are other businesses that are in similar situations.

Page 8 - Covers customary family members but also "any other individual related by blood . . . whose close association with the employee is the equivalent of a family relationship." What does this mean exactly? This clause leaves the employer open to abuse of the sick and safe leave policy.

Page 16 - Requires employers to pay "all out of pocket expenses" the employee incurs in obtaining documentation for sick and safe leave if the employee has no health insurance and "any costs charged" to the employee by the health care provider if the employee has health insurance.

Please vote "no" on the proposed SD1 and let businesses and employees negotiate the benefit packages they would like.

From: nokumura@vipfoodservice.com
To: [JDLTestimony](#)
Subject: Please HOLD HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 3:51:24 PM

Nelson Okumura
74 Hobron Avenue
Kahului, HI 96732-2106

March 26, 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 respectfully ask that HB 341 HD1 Proposed SD1 be held in committee. Thank you for the opportunity to submit testimony.

Sincerely,

Nelson Okumura
8088701129

From: paul.ahcook@parbev.com
To: [JDLTestimony](#)
Subject: Please HOLD HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 2:06:20 PM

Paul Ah Cook
94-1450 Moaniani Street
Waipahu, HI 96797-4632

March 26, 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.

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.

Additional costs or mandates will surely impact 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,

Paul Ah Cook
808-678-4002

From: plambeth@hhsc.org
To: [JDLTestimony](#)
Subject: HB 341 HD4 Proposed SD1 will hurt small businesses
Date: Monday, March 26, 2012 3:26:23 PM

Phoebe Lambeth
1285 Waianuenue Ave.
Hilo, HI 96720-1209

March 26, 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 Phoebe Lambeth, I am the Administrator for Hawaii Island Radiation Oncology, Ltd. We have 4 employees and provide radiation treatments for patient in East and West Hawaii.

If one employee is out it causes hardship on the rest of the employees as we need to cover both east and west Hawaii to provide cancer treatment for our patients.

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

I already provide benefits; Workes compensation, 100% health care insurance. 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.

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

Sincerely,

Phoebe M. Lambeth
8088966269

From: kaipaniolo@gmail.com
To: [JDLTestimony](#)
Subject: Please hold the mandatory paid sick leave bill
Date: Monday, March 26, 2012 3:11:23 PM

Randy Botti
74-5576 Pawai Pl Suite J PMB 515
Kailua Kona, HI 96740-1626

March 26, 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 work with a number of small businesses and manage my own business. Another mandate placed on my business will increase the cost of doing business in an already tough economic situation. We are already dealing with untold increases in state permit, usage and licensing fees, not to mention the steep increase in fuel and energy costs.

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

This requirement is like imposing a labor union contract on every business in the state. This cannot be passed.

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

Sincerely,

Randy Botti
8089367277



Senator Clayton Hee, Chair
Senator Maile Shimabukuro, Vice Chair
Committee on Judiciary and Labor
State Capitol, Honolulu, Hawaii 96813

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

RE HB341, HD4, Proposed SD1, Relating to Employment Practices

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

Retail Merchants of Hawaii (RMH) is a not-for-profit trade organization representing 200 members and over 2,000 storefronts, and is committed to support the retail industry and business in general in Hawaii. Through November 2011, retail generated \$25.6 billion in sales and paid over \$1 billion in GET. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

RMH strongly opposes HB341, HD4, Proposed SD1, 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.

Many businesses already have a paid sick leave policy in place, the duration of which, effective date of application and other specifics vary depending on the needs of the business and employers' resources. This sick leave benefit is intended to allow for the occasional cold or flu, which generally does not warrant a visit to a physician. Most employers do not require a doctor's validation in writing.

Employers already are mandated to provide Health Care Insurance, Unemployment Insurance, Workers' Compensation Insurance, and Temporary Disability Insurance. Additionally, employers are subject to the Hawaii Family Leave Law and the federal Family and Medical Leave Act.

HB341, HD4, Proposed SD1 adds yet another costly regulation to the list, and it is Hawaii's small businesses that will experience the greatest hardship. It's important to note that in addition to the "sick leave" compensation the employer pays to the individual taking the sick leave, the employer most likely has to pay the same compensation to another employee "filling in" for this individual.

At this point in time, policy-makers should be eliminating obstacles to business growth, job creation and economic recovery, not adding additional costs that employers cannot afford.

The members of the Retail Merchants of Hawaii respectfully urge you to hold this measure. Thank you for the opportunity to testify.

Carol Pregill, President

From: ret@tanakarestaurants.com
To: [JDLTestimony](#)
Subject: Please HOLD HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 2:36:32 PM

Richard Tanaka
131 Kaiulani Ave., 3rd floor
Honolulu, HI 96815-3242

March 26, 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 do not do this. We are just holding on. Today we received a letter from HMSA advising us another rate hike. Our utility bills also arrived today. After 35 years government mandates in addition to rising costs in all areas make running a small business seem like a Herculean task. We just cannot take any more regulation and the costs involved with meeting the requirements. It seems that we work for the employees but the ironic thing is we are laying off staff every year as a matter of survival. This bill is totally anti-business and seems un-American. Truly, I'm fed up and ready to throw in the towe.

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

Sincerely,

Richard E. Tanaka
922-4233

From: rjackson@mdxhawaii.com
To: [JDLTestimony](#)
Subject: Please HOLD HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 4:56:21 PM

Rick Jackson
500 Ala Moana Blvd, STe 2-200
Honolulu, HI 96813-4993

March 26, 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 Rick Jackson, and I am chief operating officer of, MDX Hawaii, a third party administrator for health and disability benefits and we employ 90+ people, soon to be over 100.

Our company already provides benefits similar to but better than sick time called Paid Time Off (PTO). If this bill is passed, it will force me to reduce this benefit in order to fund the employer mandate in this bill.

Our company priority and key asset is our employees. Therefore, we do everything we can to create a positive work environment and provide benefits that we can afford. Paid time off is a better way to accommodate employee needs for absence addressed by this bill, and we strongly prefer that the State Legislature let us manage our business without the intrusive mandates in this bill.

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

Sincerely,

Rick Jackson
522-7500

From: robertachu@hawaii.rr.com
To: [JDLTestimony](#)
Subject: HB 341 HD4 Proposed SD1 will hurt small businesses
Date: Monday, March 26, 2012 2:41:34 PM

Roberta Chu
478 Kipuni Street
Hilo, HI 96720-6009

March 26, 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 businesses will increase the cost of doing business.

Business cannot afford another mandate especially during these tough economic times which are particularly pronounced on the neighbor islands.

Small business will be burdened to comply with this mandate and may be detrimental to businesses. It's already difficult for small businesses to survive this economic downturn.

Many companies' priority and asset are its employees. Therefore, they do everything they can to create a positive work environment and provide benefits that they can afford.

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

Sincerely,

Roberta Chu

From: ron@ronagor.com
To: [JDLTestimony](#)
Subject: Please hold HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 2:51:14 PM

Ron Agor
3728 Nawiliwili Road
Lihue, HI 96766-9526

March 26, 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.

The economic time we are in now does not allow any room for new laws that will slow down our economic recovery.

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

Sincerely,

Ron Agor
808-6322467

From: kktarvyd@gmail.com
To: [JDLTestimony](#)
Subject: HB 341 HD4 Proposed SD1 will hurt small businesses
Date: Monday, March 26, 2012 9:46:20 PM

Rosario Tarvyd
131 Hekili St
Kailua, HI 96734-2866

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 such as TDI,WC, and medical. 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.

I am helping the economy by employing our staff thereby feeding their families. If this mandate is approved, I will have to let go of a number of my employees, hence unemployment will rise and the economy will go down even lower.

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

Sincerely,

Rosario Tarvyd
8082634088

From: rkuwaye@aol.com
To: [JDLTestimony](#)
Subject: HB 341 HD4 Proposed SD1 will hurt Hawaii's job market
Date: Monday, March 26, 2012 3:26:30 PM

Russell Kuwaye Puna Rock Co. Ltd.
P.O.Box 566
Keaau, HI 96749-0566

March 26, 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 benefits such as medical, dental, vision, drug and retirement. 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.

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

Sincerely,

Russell Kuwaye, Puna Rock Co. Ltd.
8088965246

From: picketfence@hawaii.rr.com
To: [JDLTestimony](#)
Subject: Please HOLD HB 341 HD4 Proposed SD1
Date: Tuesday, March 27, 2012 8:46:40 AM

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

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.

Enough is enough... one more burden on the business community, who, without business, the state and country would be in a depression. You've got to give us space to breathe to recover from 2008. you will be adding one more rock around the neck of the owners who just might crumble under the weight of it all!

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

Sincerely,

Sadie Akamine
8082627727

From: sgridley@intech-hawaii.com
To: [JDLTestimony](#)
Subject: Please HOLD HB 341 HD4 Proposed SD1
Date: Tuesday, March 27, 2012 4:31:31 AM

Samuel Gridley
Topa Financial Center, Fort Street Tower, 745 Fort St., Ste. 600
Honolulu, HI 96813

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.

From: Samuel B. Gridley
Of: Integration Technologies, Inc., a Honolulu-based small business of 20 employees providing statewide computer support to small businesses.

Complying with this mandate will be detrimental to my business. It's been difficult to avoid layoffs, and adding extra costs will make things even more difficult.

In addition, I believe these rules will make it easier for the few employees who take advantage of the system.

- 1) Small employers with less than 100 employees who do not provide paid time off will need to provide an unspecified number of days off.
- 2) Prohibits employers from requiring reasonable documentation unless the "sick and safe leave" exceeds three days of absence.
- 3) Penalizes employers for asking to verify whether someone is sick by requiring the employer to pay for the doctor's note.

Mr. Samuel B. Gridley
Integration Technologies, Inc.
Topa Financial Center
745 Fort Street, Suite 600
Honolulu, HI 96813
Phone 808-596-9500

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

Sincerely,

Samuel B. Gridley
808-596-9500

From: alohasamb@rxkl.com
To: [JDLTestimony](#)
Subject: HB 341 HD4 Proposed SD1 will hurt Hawaii's job market
Date: Monday, March 26, 2012 3:01:21 PM

Sandra Bangerter
44-145 Hako Street #6
Kaneohe, HI 96744-2529

March 26, 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. Small business is the backbone of Hawaii business and assisting those business' become and remain strong and viable should be on the top of the State of Hawaii's priority list.

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

Sincerely,

Sandra Bangerter
808 254 2556

From: ssing@mwgroup.com
To: [JDLTestimony](#)
Subject: Please do not pass HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 3:16:31 PM

Sara Sing
900 Fort Street Mall #1188
Honolulu, HI 96813-3716

March 26, 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.

Aloha!

My name is Sara Sing and I work at MW Group, Ltd. a real estate development company. All together we have approx. 150 employees across all of our various platforms.

Our most valuable resources are our team members and we treat them as such.

This bill will add another layer of administrative duties adding additional costs to our business which will negatively impact us in this economic downturn.

There are a few other items within this measure that negatively will impact employers and we therefore ask that you consider not passing HB 341 HD4.

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

Sincerely,

Sara Sing
808-533-7468

From: scottini1@aol.com
To: [JDLTestimony](#)
Subject: Please HOLD HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 4:21:25 PM

scott okamoto
1765 ala moana blvd spc2
honolulu, HI 96815-1486

March 26, 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.

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,

scott okamoto
(808)941-6669

From: shannon@winetheexperience.com
To: [JDLTestimony](#)
Subject: Please HOLD HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 1:41:22 PM

Shannon Ball
1508 Pualele Place
Honolulu, HI 96816-3397

March 26, 2012

Testimony to the Senate Judiciary and Labor Committee
Wednesday, March 28, 2012
10:30 a.m.
Room 016,

Dear Testimony to the Senate Judiciary and Labor Committee:

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

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

I strongly oppose this measure. The intention of this legislation is well meaning, but the implementation to mandate these extra costs on to small businesses is ill-advised and nigh impossible. This is NOT a bill favorable to or supportive of small business, as the legislature and Speaker Say promised at the start of this session.

My business cannot afford more mandates especially during these tough economic times. We operate on keeping slim margins already. Additional costs or mandates definitively impact my businesses. It's already difficult to survive this economic downturn.

Our company priority and asset is our employees. Therefore, we do everything we can to create a positive work environment and provide benefits that we can afford. But that said, our employees are our largest expense of our organization.

I used to run another small company with 4-6 part-time employees. When the economy slowed and business became difficult, I had to stop paying myself for times to afford to keep my people employed.

The excess provisions of staff, payroll taxes, insurances and health benefits were our greatest expenses and our heaviest burden. If this measure had been in place, I would have been forced to CUT jobs to afford this. Hawai'i is one of the LEAST small business friendly states, and this would push us further backward. As is, I do not feel the state legislature is doing hardly enough to help support it's small business community, and it's own sustainable self-reliance.

This type of legislation makes no sense, and is disappointing to know any of our elected officials consider this a solution to anything on any level.

A mandatory sick leave bill is a horrible idea, and should be shelved permanently. Stop trying to sneak this in as a rider on anything.

I cannot more strongly OPPOSE passage of this in any form or measure.

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

Sincerely,

Shannon Ball
808-349-5989

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: sdillard@baseengr.com
Subject: Testimony for HB341 on 3/28/2012 10:30:00 AM
Date: Monday, March 26, 2012 12:53:15 PM

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

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Shawna Dillard
Organization: Individual
E-mail: sdillard@baseengr.com
Submitted on: 3/26/2012

Comments:

though employee laws are very important, once the government makes it to expense to have employees there will be no use in having employment laws. that is what this law is, it is making it impossible to hire employees and keep them employed. Please do not pass this legislation.

From: s.matsumoto@shs-hi.com
To: [JDLTestimony](#)
Subject: Please do not pass HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 3:01:26 PM

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

March 26, 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 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,

Shinichi Matsumoto
8089909400

From: srawlins@aloha.net
To: [JDLTestimony](#)
Subject: Please HOLD HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 6:06:24 PM

Shirley K. Rawlins
PO Box 346
Kaunakakai, HI 96748-0346

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

Another mandate placed on my business will increase the cost of doing business and/or force me to cut back on the 21 employees I currently have employed.

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

Sincerely,

Shirley K. Rawlins
808-553-3214

From: steve@westmolokai.com
To: [JDLTestimony](#)
Subject: Please hold HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 8:51:18 PM

Steve Jaquess
220 East Ikea Kai
Wailea, HI 96753-7726

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.

This is a bad idea!

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

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

Our company priority and asset 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,

Steve Jaquess

From: steveu@suisan.com
To: [JDLTestimony](#)
Subject: HB 341 HD4 Proposed SD1 will hurt small businesses
Date: Monday, March 26, 2012 4:46:26 PM

Steve Ueda
1965 Kamehameha Ave.
Hilo, HI 96720-4675

March 26, 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.

We offer our employees a comprehensive benefit package that includes sick leave. If this bill is passed, it will force us to review our benefit package and possibly reduce or even eliminate some benefits.

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

Sincerely,

Steve Ueda

From: ssantiago@hawaiiusafcu.com
To: [JDLTestimony](#)
Subject: Please HOLD HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 4:16:32 PM

Stevette Santiago
45-739 Apuakea Street
Kaneohe, HI 96744-1710

March 26, 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 regulation would impose unnecessary government intervention in what should be something each business owner or leader should be responsible for. There are too many variables that affect an organization's ability to offer sick leave benefits. Businesses are already struggling as it is and this regulation and language is unnecessary. We have enough Federal and State Mandated leaves. Does the government really want to intervene. A company is not competitive if they do not allow or offer some type of sick or medical leave benefit. Let the businesses decide if they plan to be competitive for Top Talent or not.

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

Sincerely,

Stevette K. Santiago
8088649762



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 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.
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. This will be felt most by small businesses who can anticipate approximately \$1,000 per year per employee, and an employer of 10 or more, more than twice that. 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

From: susanjtf@hawaii.rr.com
To: [JDLTestimony](#)
Subject: Please hold the mandatory paid sick leave bill
Date: Monday, March 26, 2012 7:16:22 PM

Susan Smith
Just In Time Foods Inc, 66-457 Kam Highway
Haleiwa, HI 96712

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 already provide benefits employee scholarships, cancer insurance, 401(k)retirement plans, medical insurance, vacations]. 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.

As legislatures it is imperative that you review the actual costs to a business of requiring this type of mandatory bill. Hawaii is an extremely difficult environment for business...the most important benefit is...employment. Don't hinder the private sector.

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

Sincerely,

Susan Smith
637-6106

From: tberger@sunetric.com
To: [JDLTestimony](#)
Subject: HB 341 HD4 Proposed SD1 will hurt small businesses
Date: Monday, March 26, 2012 4:51:20 PM

Tammy Berger
905 Kalaniana'ole Hwy
Kailua, HI 96734-4645

March 26, 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.

Our 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,

Tammy Berger

From: totaguro@honzoosoc.org
To: [JDLTestimony](#)
Subject: Please do not pass HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 1:26:33 PM

TEd Otaguro
151 Kapahulu Ave
Honolulu, HI 96815-4011

March 26, 2012

Testimony to the Senate Judiciary and Labor Committee
Wednesday, March 28, 2012
10:30 a.m.
Room 016,

Dear Testimony to the Senate Judiciary and Labor Committee:

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

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

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,

TEd Otaguro

From: tjohnson@cfs-hawaii.org
To: [JDLTestimony](#)
Subject: Please HOLD HB 341 HD4 Proposed SD1
Date: Tuesday, March 27, 2012 8:06:55 AM

Terry Johnson
2026 McKinley St.
Honolulu, HI 96822-2130

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.

Good morning Senator Hee and esteemed members of the committee.

My name is Terry Johnson and I am Human Resources Director for Child & Family Service. We employ 400 people across the state in 35 programs.

In the last three years Child & Family Service has lost over 30% of our workforce due to program closures and a decreased number of contracts. Another mandate placed on my business will increase the cost of doing business. I am concerned that HB 341 will be another burden that will result in layoffs and reduced hours for our employees. At a time when the legislature and the governor have said creating jobs is a priority, I feel that this legislation is endangering all sizes of companies.

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

Sincerely,

Terry Johnson
8087803076

From: tom@mymysterynovel.com
To: [JDLTestimony](#)
Subject: Please hold HB 341 HD4 Proposed SD1
Date: Tuesday, March 27, 2012 7:21:24 AM

Thomas Jacobs
61-749 Papailoa Road
Haleiwa, HI 96712-1301

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.

All this bill will do is force me and my wife to either cut one or two employees or close our business. We CAN'T AFFORD THIS!!!
Please table this bill.

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

thanks, and with aloha

Thomas Jacobs
808-371=9111

From: tomjones@reihawaii.com
To: [JDLTestimony](#)
Subject: Please HOLD HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 5:36:27 PM

Thomas Jones
1824 South King St.
Honolulu, HI 96826-2136

March 26, 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. We are really struggling with rising energy, food and supply costs.

I already provide the following benefits: paid vacation, sick leave with a Dr. Note, 401K with partial match. 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's primary asset is our 200+ employees. Therefore, we do everything possible in during this down economy to create a positive work environment and provide benefits that we can afford.

We have had to raise prices twice this past year just to keep up. This will only add to inflation.

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

Sincerely,

Thomas Jones
808-488-6066

From: tleong@kualoa.com
To: [JDLTestimony](#)
Subject: Please HOLD HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 3:26:25 PM

Timon Leong
PO Box 650
Kaaawa, HI 96730-0650

March 26, 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,

Timon Leong
808 237-8515

From: hr@marukaihawaii.com
To: [JDLTestimony](#)
Subject: HB 341 HD4 Proposed SD1 will hurt Hawaii's job market
Date: Monday, March 26, 2012 4:41:36 PM

Tobin Murata
2310 Kamehameha Highway
Honolulu, HI 96819-2310

March 26, 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 Tobin Murata and I am the Human Resources Generalist for the Marukai Corporation. We are a retailer and employ over 230 employees at various locations on the island of Oahu.

I am in charge of overseeing the labor costs of the company. Right now, even though the economy is recovering, fuel costs are rising, the cost of health care is rising, and since we deal with imports from Japan, the cost of goods are rising with the increased valuation of the Japanese Yen.

If we have to add on additional benefits of mandated sick and safe leave, while beneficial to employees, the end result may be that the company will have to cut back on products and services.

Our employees already receive paid leave off in the form of vacation depending on the amount of hours worked which they can use for whatever reason they choose.

To add an additional mandate, that means that there may be additional oversight required by the government, which means additional costs.

Potential employees can always pick and choose the company that will give them the best opportunity and benefits. If the benefits do match their needs, then they can choose another employer that can.

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

Sincerely,

Tobin Murata
8088455053

From: thedrick@tmghawaii.com
To: [JDLTestimony](#)
Subject: HB 341 HD4 Proposed SD1 will hurt small businesses
Date: Tuesday, March 27, 2012 9:36:37 AM

Todd Hedrick
115 Niuiki Circle
Honolulu, HI 96821-2319

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.

This type of government intervention is completely unnecessary and unwarranted. If any of the politicians ever owned a company we wouldn't have half of the rules and regulations now in effect because they would realize that the free market will provide for this type of coverage. If you want to cement Hawaii's reputation as business unfriendly and continue to add more red-tape that drives business to close forever and put more people on unemployment, welfare, foodstamps and whatever other social program you can create, then you should vote for this.

Please vote no on HB 341 HD4 Proposed SD1.

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

Sincerely,

Todd Hedrick

From: pickt78@gmail.com
To: [JDLTestimony](#)
Subject: Please do not pass HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 5:46:24 PM

Tom Pick
555 Hahaione St, Apt. #5F
Honolulu, HI 96825-1460

March 26, 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.

Hi, My name is Tom Pick, partner of Tomily, LLC and Tomily Honolulu, LLC. Each of my companies employees between 6 and 7 part time employees.

My wife and I operate two children's fitness centers. In review of this bill, I see several false assumptions:

1. Providing a minimal amount of paid sick leave is affordable for employers;
2. Paid sick leave is good for business because employers who provide paid sick leave have greater employee retention and avoid the problem of workers coming to work sick and lowering productivity;
3. Employees frequently lose their jobs or are disciplined for taking sick leave to care for sick family members or even to recover from their own illness. One in six workers report that they or a family member has been fired, suspended, punished, or threatened by an employer because they needed to take sick leave for themselves or a family member;
4. Workers in jobs with high public contact, such as service workers and restaurant workers, are generally unlikely to have paid sick leave. Because of the lack of paid sick leave, these workers have no choice but to come to work when they are ill, which increases the risk of passing illnesses to co-workers and customers;

Our experience is that all of the above is absolutely false for our businesses. If this is the basis for the bill, than the bill should not move forward until appropriate and factual research is conducted.

We hire young members of the community. Most of them are attending college. We offer a very flexible sick policy where they can call in at

anytime without reprimand and we cover their shifts for them. We find that there are many reasons an employee calls in sick (not all of which are truly sick related). Having legislation like the one being proposed only provides incentive for an employee to not show up for work. We see no need for this extra expense to our business which is already operating on a very low profit margin at times and a negative profit margin at others. There is a high potential for us to have to lay off some of our workers to accommodate this new piece of legislation if passed.

I would be truly disappointed in our elected officials if they are making decisions based on the above assumptions. It would be one more reason that makes Hawaii a very un-business friendly state to operate in. I would think that our elected officials would treat those better who contribute so much already to the state coffers knowing that the cost of business in this state is already higher than revenues can afford.

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

Sincerely,

Tom Pick

From: tshigemoto@abprop.com
To: [JDLTestimony](#)
Subject: Please HOLD HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 2:26:50 PM

Tom Shigemoto
P. O. Box 178
Eleele, HI 96705-0178

March 26, 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.

As a member of the Kauai Chamber of Commerce and understanding the difficulties our membership has endured and are still enduring during these harsh economic times, it is ill-timed for a bill mandating such coverage be imposed on any business. Many of our small businesses already operate on very, very thin margins if at all and with all that is expected of them already, it is unjustifiable at this time to require these sick leave coverage. As a body, will you be willing to accept the responsibility of shutting down someone's business? Those that are able to survive these mandates will simply pass it on to its customers and hope they don't impact their livelihoods. I ask you to seriously think of the criticalness of such legislation and the dire impacts it will have on every business in Hawaii.

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

Sincerely,

Tom Shigemoto
8083352836

From: localstore@me.com
To: [JDLTestimony](#)
Subject: Please hold the mandatory paid sick leave bill
Date: Tuesday, March 27, 2012 10:06:27 AM

Tracy Norling-Babbitt
PO Box 482140
Kaunakakai, HI 96748-2140

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 such as this 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,

Local Store

From: caffelatte@hawaii.rr.com
To: [JDLTestimony](#)
Subject: Please hold the mandatory paid sick leave bill
Date: Monday, March 26, 2012 3:46:21 PM

Valerie Gerst
PO Box 159108
Honolulu, HI 96830-1001

March 26, 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 respectfully ask that HB 341 HD1 Proposed SD1 be held in committee. Thank you for the opportunity to submit testimony.

Sincerely,

Valerie Gerst
8085916244

From: vkurtz@kaanapaligolfcourses.com
To: [JDLTestimony](#)
Subject: Please do not pass HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 1:31:17 PM

Valerie Kurtz
2290 Kaanapali Parkway
Lahaina, HI 96761-1911

March 26, 2012

Testimony to the Senate Judiciary and Labor Committee
Wednesday, March 28, 2012
10:30 a.m.
Room 016,

Dear Testimony to the Senate Judiciary and Labor Committee:

Dear Chair Hee, Vice Chair Shimabukuro 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'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.

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,

Valerie Kurtz

From: victor.lim@hawaiiantel.net
To: [JDLTestimony](#)
Subject: Please do not pass HB 341 HD4 Proposed SD1
Date: Monday, March 26, 2012 3:01:27 PM

Victor Lim
1101 Fort St. Mall
Honolulu, HI 96813-2706

March 26, 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.

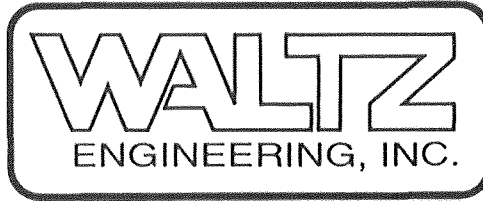
I'm operating on slim margins already. Additional costs or mandates will surely impact my business.

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,

Victor Lim
808-532-1596



500 Alakawa Street, Bldg. 119 Honolulu, HI 96817 (808) 842-7955

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 Lorinda Waltz, President and Owner of Waltz Engineering, Inc. Waltz Engineering is a Minority Woman Owned Small Business that was started by my husband and me in 1986.

We are **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 such policies in place.

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 would just be another mandate placed on businesses among so many others that already exist and make the ownership of a business a genuine hardship in trying to keep updated and be in compliance.

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.

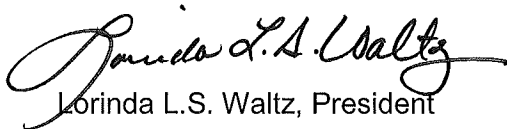
Senator Hee, Chair
Committee on Judiciary and Labor
March 28, 2012
HB 341 HD4 Proposed SD1

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.

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

For the foregoing reasons, we are **strongly opposed** to H.B. 341 HD4 Proposed SD1.

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



Lorinda L.S. Waltz, President



Richard A. Waltz, Vice President

From: wahsam@kualoa.com
To: [JDLTestimony](#)
Subject: HB 341 HD4 Proposed SD1 will hurt Hawaii's job market
Date: Tuesday, March 27, 2012 8:16:22 AM

Wendy AhSam
PO Box 650
Kaaawa, HI 96730-0650

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.

We already provide benefits. 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,

Wendy AhSam
8087483227



To: Committee on Judiciary and Labor
Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

www.itoen.com

Date: Wednesday, March 28, 2012
Time: 10:30 a.m.
Place: Conference Room 016

ITO EN (USA) INC.
125 PUUHALE ROAD
HONOLULU, HI 96819
TEL 808 847 4477
FAX 808 841 4384

Re: HB341, HD4 SD1 Relating to Employment Practices - **OPPOSE**

ITO EN (NORTH AMERICA) INC.
45 MAIN STREET, SUITE 3A
BROOKLYN, NY 11201
TEL 718 250 4000
FAX 718 246 1325

ITO EN (USA) Inc.'s sick leave policy is designed to provide a continuation of wages during limited periods when an employee is unable to work due to illness or injury. ITO EN also provides employees an opportunity to rest and relax through the vacation program. We provide paid holidays, floating holidays, 100% company paid temporary disability insurance (TDI) benefits, victims leave as mandated by the State of Hawaii, Family and Medical Leave, and other unpaid leaves of absence under certain conditions.

ITO EN's management understands and recognizes that from time to time employees will require time off for legitimate purposes sometimes, unforeseen, and provides benefits to *balance* the needs of the workers with the needs of our business.

While we understand the intent of HB341 HD4, we **oppose** this measure because of the consequences it will bring to our workforce as noted in the examples below:


- 1) This measure will allow workers to use sick leave like an unscheduled vacation day, and therefore allow them to do the following:
 - a) Call in absent on the day after the Super Bowl, on the day after Thanksgiving, on any Friday and/or Monday, or any days before or after a holiday, and get a full days pay for those days not worked. Even if there is a long standing or wide-spread pattern of such absences, the company will not be able to take disciplinary action.
 - b) Call in sick for up to 3 days and get paid for not working even if the worker does not have a doctor's note. The company has to just take the employee's word for it that he was sick.
 - c) Leave work *early* or come to work *late* on a Monday, Friday, day before or after a holiday.
 - d) Since the measure allows for small increments of sick leave to be taken, the worker can shorten his Fridays by one hour (or more) each week for as long as he has enough paid sick leave. And since he will presumably accrue it each pay period, this can become his long term work schedule. No matter how obvious the patterns of absence, as employers we have no recourse to stop the abuse. The honest workers who do not abuse the

system will be the victims of always having to pick up the slack of their absent co-workers.

- 2) If management needs to address work-related issues that will result in disciplinary action or any negative employment action, they will have to check first to see if the employee has taken sick / safe leave within the past 90 days in order to avoid being automatically presumed guilty of unlawful retaliation. As a result, an employee could use the sick / safe leave benefit sporadically to “reset” the 90 day period and thus shield him from any type of adverse employment action.
- 3) Who will interpret the “grey areas” of this measure if it becomes law? For example, our sick leave policy is very detailed, and yet there are circumstances very unique to individuals that require careful consideration and weighing against the needs of the business. When such circumstances in the workplace occur, will I be required to call the Department of Labor to make a decision as to how to apply the generalities of the sick leave law to very specific circumstances? Will the DLIR be familiar with the intricacies of our business and how decisions relating to worker absenteeism impact us? Will the DLIR have someone readily available to help me at a moments notice? Will I have to call an attorney or risk making a judgment call on my own that may end up getting the company in legal hot water? Examples of “grey areas” in this bill:
 - a) The measure reads *“When possible, the request shall include the expected duration of the absence.”* (page 14). What if the employee says he thinks he will need to be off Monday through Tuesday, but he does not come back to work on Wednesday, and does not call. He comes to work Thursday, and says, “Oh, sorry, I thought I said “I’ll be off Monday through Wednesday”. What if this same employee has a pattern of calling in absent on Monday mornings?
 - b) What is meant by making a *“reasonable effort to schedule the use of sick and safe leave in a manner that does not unduly disrupt the operations of the employer?”* (page 15) Who decides what is the difference between a disruption and an *unduly* disruption? And what if the worker’s absence *is* an unduly disruption, what does this measure allow us as employers to do about it? If our warehouse has 7 workers and one is already on vacation and one wants to schedule his sick / safe leave during the heaviest day of the week, what are we to do? Can we refuse such a request, or is it similar to protected Family & Medical Leave even if the employee is not eligible for Family & Medical Leave or any other mandated leave? Will we be accused of unlawful practices?

- 4) The measure proposes that for the employee without health insurance, the employer foot the bill for all out of pocket expenses the employee incurs in obtaining a doctor's note. Employees in our company who do not have health insurance are almost always new employees who are serving their "waiting period". During this time, if the employee seeks medical attention, he would pay for it out of his pocket anyway. What if extensive and expensive medical tests are ordered to determine the duration of the employee's time off from work in order to write the medical note? Will employees be able to freely go to any doctor or specialist and have tests done, and we as employers know nothing about this expense until after such tests are already done and the bill is on our desk?

The biggest concern I have with this measure is the incentive it will provide for some workers to become chronically late and absent workers. This measure does not afford our business the ability to balance worker sick leave benefits with reasonable controls to meet our business needs. Nor does it give me the assurance I will have the support of the DLIR to provide guidance in interpreting the laws on a day-to-day basis as new and unique circumstances arise. The unintended costs to our company, for obtaining medical notes and for labor shortages is inevitable, yet incalculable. I respectfully ask this measure be held indefinitely.

Thank you,
Wendy Chuck 
Human Resources Manager