

**HB341**

**Testimony**

**Testimony to the Senate Committee on Judiciary and Labor**  
**Thursday, April 7, 2011**  
**9:30 a.m.**  
**State Capitol - Conference Room 016**

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

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

My name is Jim Tollefson and I am the President and CEO of The Chamber of Commerce of Hawaii ("The Chamber"). I am here to state The Chamber's opposition to House Bill No. 341 HD4, relating to Employment Practices.

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

This measure makes it unlawful for any employer or labor organization with more than one hundred employees and a collective bargaining agreement to bar or discharge from employment, withhold pay from, or demote an employee solely because the employee uses accrued and available sick leave. The bill allows an employer or labor organization to require written verification of sick leave in certain situations.

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

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

For these reasons, The Chamber of Commerce of Hawaii respectfully requests that this measure be held. Thank you for the opportunity to provide testimony.