

SB2939



Senate Committee on Judiciary and Labor
Tuesday, February 11, 2014 / 10:30 a.m.
Hawai'i State Capitol, Room 016

Senate Bill 2939, Relating to Employment Practices

Aloha Chair Hee, Vice Chair Shimabukuro and members of the Committee. On behalf of the members of the Society for Human Resource Management – Hawai'i Chapter (SHRM Hawai'i), we would like to thank you for the opportunity to comment on Senate Bill 2939, relating to employment practices. We are opposed to SB 2939, which repeals the condition that employers have a collective bargaining agreement with their employees in order for section 378-32(b), HRS, to apply.

We are concerned SB 2939 has the potential to conflict with other leave requirements and policies on the local, state and federal levels including the Family Medical Leave Act. SHRM Hawai'i represents over 700 human resource professionals in the State of Hawai'i. We are eager to share our expertise with policymakers and welcome a positive dialogue on workplace flexibility policy.

Once again, thank you for this opportunity to testify on this measure.



The Senate
Twenty-Seventh Legislature, 2014
State of Hawai'i

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

DATE: Tuesday, February 11, 2014
TIME: 10:30 AM
PLACE: Conference Room 016
Hawai'i State Capitol
415 South Beretania Street
Honolulu, Hawai'i 96813

FROM: National Federation of Independent Business (NFIB) Hawai'i

RE: SENATE BILL 2939, RELATING TO EMPLOYMENT PRACTICES

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

Thank you for the opportunity to testify on Senate Bill 2939. NFIB Hawai'i respectfully **opposes** this measure.

SB 2939 repeals the condition that employers have a collective bargaining agreement with their employees in order for section 378-32(b), HRS, to apply.

NFIB believes that government should not intrude on the employer/employee relationship. Many businesses in Hawaii are flexible in accommodating employees regarding sick leave. It is inappropriate for the government to require a solution for a problem that does not exist.

The National Federation of Independent Business is the largest advocacy organization representing small and independent businesses in Washington, D.C., and all 50 state capitals. In Hawaii, NFIB represents more than 1,000 members. NFIB's purpose is to impact public policy at the state and federal level and be a key business resource for small and independent business in America. NFIB also provides timely information designed to help small businesses succeed.

Thank you for the opportunity to testify on this measure.



Neal K. Okabayashi
Senior Vice President & Attorney
Government Affairs

Presentation To
Committee on Judiciary and Labor (JDL)
February 11, 2014 a 10:30 a.m.
State Capitol Conference Room 016

Testimony in Opposition to Bill S.B. 2939

TO: The Honorable Clayton Hee, Chair – JDL
The Honorable Maile S.L. Shimabukuro, Vice Chair – JDL
Members of the Committee

My name is Neal Okabayashi of First Hawaiian Bank and I testify for First Hawaiian Bank.

We oppose S.B. 2939 as the expansion of this provision will treat sick leave as time off that can be misused, and companies will consider reducing sick leave benefits. That hurts workers who benefit from generous sick leave benefits.

Employers provide sick leave so workers can recover from illness or injury. Many employers are quite generous with sick leave benefits. If available sick leave time becomes more like paid time off because a worker can use sick leave even when not sick, such companies may reduce sick leave time or switch to a PTO system which will reduce the time a worker may take for vacation and sick leave. For those with a serious health problem, that is a serious negative.

We do recognize there are a few workers that do abuse sick leave by using it like vacation time. The well-known two-day Friday-Monday syndrome of workers who tend to be sick on such days to elongate the weekend is well-known. CareerBuilder.com reported that 1 in 4 workers consider sick leave to be vacation time.

Thus, while the concept seems fair on paper, in reality it will be bad for many workers, and unfortunately fails to protect the vast majority of hard working employees who benefit from a sick leave policy that can be used when genuinely ill. Thus, the goal of this bill, while it seems to be well-intended, has the opposite effect and thus, we ask that this bill be held indefinitely.

I would be happy to answer any questions that you might have.

A handwritten signature in blue ink, appearing to read "Neal K. Okabayashi".

Neal K. Okabayashi



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Friday, February 7, 2014

Committee on Judiciary and Labor

RE: Senate Bill 2939, Relating to Employment Practices

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

We appreciate the opportunity to testify on SB 2939, and respectfully submit the following written testimony in opposition to the bill. Times Supermarket is based on Oahu and operates 26 stores with locations in Maui, Kauai and Oahu.

SB 2939 repeals the condition that employers have a collective bargaining agreement with their employees in order for section 378-32(b), HRS, to apply.

We are concerned SB 2939 has the potential to conflict with other leave requirements and policies on the local, state and federal levels including the Family Medical Leave Act. Thus, we ask that you hold this bill for further discussion.

Thank you for the opportunity to testify.

Respectfully,

Bob Gutierrez
Director of Government Affairs
Times Supermarket