

STAND. COM. REP. NO.

1156

Honolulu, Hawaii

March 27, 2015

RE: S.B. No. 1213
S.D. 1
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred S.B. No. 1213, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,"

begs leave to report as follows:

The purpose of this measure is to protect victims of harassment in a workplace by allowing for an employer to seek a temporary restraining order and injunction against further harassment of an employee or invitee who may be harassed at the employer's premises or worksite.

The Hawaii Health Systems Corporation and a concerned individual supported this measure. The Judiciary commented on this measure.

Your Committee has amended this measure by replacing the term "defendant" with "respondent" as there is no defendant in a civil proceeding. Technical nonsubstantive amendments were also made for clarity, consistency, and style.

Your Committee notes the concerns raised by the Judiciary and should your Committee on Judiciary deliberate on this measure, your Committee respectfully requests that it further examine these concerns in regard to the potential imposition of unintended costs and complications for employers and the uncertainty in the

SB1213 HD1 HSCR LAB HMS 2015-2798



application of the law. Specifically, issues with respect to uncertainty in the application of the law include:

- (1) The application of how the petitioner-employer could prove its case if the employee who is the target of the alleged harassment is unwilling to participate in the proceedings; and
- (2) The process for intervention by an employee organization.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1213, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1213, S.D. 1, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Labor & Public
Employment,



MARK M. NAKASHIMA, Chair



State of Hawaii
House of Representatives
The Twenty-eighth Legislature

HSCR 1156

Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: SB 1213 SDI	Committee Referral: LAB, JUD	Date: 3/20/15		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	/			
2. KEOHOKALOLE, Jarrett (VC)	/			
3. AQUINO, Henry J.C.	/			
4. HAR, Sharon E.	/			
5. ICHIYAMA, Linda	/			
6. JOHANSON, Aaron Ling	/			
7. LOPRESTI, Matthew S.	/			
8. SAN BUENAVENTURA, Joy A.	/			
9. TAKAYAMA, Gregg	/			
10. TAKUMI, Roy M.	/			
11. YAMASHITA, Kyle T.	/			
12. TUPOLA, Andria P.L.	/			
TOTAL (12)	12			
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				