

STAND. COM. REP. NO. 429

Honolulu, Hawaii

FEB 20 2015

RE: S.B. No. 129  
S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 129 entitled:

"A BILL FOR AN ACT RELATING TO LABOR,"

begs leave to report as follows:

The purpose and intent of this measure is to require certain  
employers to provide sick leave to service workers for specified  
purposes under certain conditions.

Your Committee received testimony in support of this measure  
from the Hawaii State Commission on the Status of Women, Americans  
for Democratic Action Hawaii, Hawaii State AFL-CIO, ILWU Local  
142, Hawaii Government Employees Association, and one individual.  
Your Committee received testimony in opposition to this measure  
from the Chamber of Commerce Hawaii, First Hawaiian Bank, National  
Federation of Independent Business, ABC Stores, Society for Human  
Resource Management Hawaii Chapter, Times Supermarket, Hawaii Food  
Industry Association, and one individual. Your Committee received  
comments on this measure from the Department of Labor and  
Industrial Relations.

Your Committee finds that this measure would provide paid  
sick leave for many workers who currently are not entitled to sick  
leave. Upon consideration of testimony, your Committee finds that  
employers that already have a paid leave policy more generous than  
required by this measure should be exempted from the provisions of  
this measure.



Your Committee has amended this measure by:

- (1) Deleting the definition of "retaliatory personnel action";
- (2) Amending the definition of "service worker" to specifically include employees of food establishments and adding a definition for "food establishment";
- (3) Providing an exemption for employers who:
  - (A) Offers paid leave that may be used at a rate greater than required by this measure; and
  - (B) Have a sick leave policy approved by the Director of Labor and Industrial Relations;
- (4) Applying "earned" sick leave as opposed to "accrued" sick leave;
- (5) Deleting language relating to notice of intention to use leave and documentation of the purpose for which leave is taken;
- (6) Adding the new language to chapter 388, Hawaii Revised Statutes, as opposed to 386, Hawaii Revised Statutes;
- (7) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 129, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 129, S.D. 1, and be referred to the Committee on Ways and Means.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,




GILBERT S.C. KEITH-AGARAN, Chair



The Senate  
Twenty-Eighth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

| Bill / Resolution No.:                                                                                                                            | Committee Referral:                                               | Date:                                 |                                           |                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------|-------------------------------------------|----------------------------------|
| SB 129                                                                                                                                            | JDL, WAM                                                          | 2/17/15                               |                                           |                                  |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____ |                                                                   |                                       |                                           |                                  |
| The Recommendation is:                                                                                                                            |                                                                   |                                       |                                           |                                  |
| <input type="checkbox"/> Pass, unamended<br>2312                                                                                                  | <input checked="" type="checkbox"/> Pass, with amendments<br>2311 | <input type="checkbox"/> Hold<br>2310 | <input type="checkbox"/> Recommit<br>2313 |                                  |
| Members                                                                                                                                           | Aye                                                               | Aye (WR)                              | Nay                                       | Excused                          |
| KEITH-AGARAN, Gilbert S.C. (C)                                                                                                                    | ✓                                                                 |                                       |                                           |                                  |
| SHIMABUKURO, Maile S.L. (VC)                                                                                                                      | ✓                                                                 |                                       |                                           |                                  |
| ESPERO, Will                                                                                                                                      | ✓                                                                 |                                       |                                           |                                  |
| GABBARD, Mike                                                                                                                                     | ✓                                                                 |                                       |                                           |                                  |
| IHARA, Jr., Les                                                                                                                                   | ✓                                                                 |                                       |                                           |                                  |
| THIELEN, Laura H.                                                                                                                                 |                                                                   | ✓                                     |                                           |                                  |
| SLOM, Sam                                                                                                                                         |                                                                   |                                       | ✓                                         |                                  |
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| <b>TOTAL</b>                                                                                                                                      | 5                                                                 | 1                                     | 1                                         |                                  |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted                                                  |                                                                   |                                       |                                           |                                  |
| Chair's or Designee's Signature:                               |                                                                   |                                       |                                           |                                  |
| <b>Distribution:</b>                                                                                                                              | Original<br>File with Committee Report                            | Yellow<br>Clerk's Office              | Pink<br>Drafting Agency                   | Goldenrod<br>Committee File Copy |

\*Only one measure per Record of Votes