



STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
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January 28, 2015

To: The Honorable Gilbert S.C. Keith-Agaran, Chair,  
The Honorable Maile S.L. Shimabukuro, Vice Chair, and  
Members of the Senate Committee on Judiciary and Labor

Date: Thursday, January 29, 2014  
Time: 9:15 a.m.  
Place: Conference Room 016, State Capitol

From: Dwight Y. Takamine, Director  
Department of Labor and Industrial Relations (DLIR)

**Re: S.B. No. 129 Relating to Employment**

**I. OVERVIEW OF PROPOSED LEGISLATION**

SB129 adds a new section to the Wage and Hour Law, chapter 387, Hawaii Revised Statutes (HRS), requiring employers with 50 or more employees to provide their service workers who are not exempt from the Federal Labor Standards Act, a maximum of 40 hours of paid leave to be used for the service worker's personal illness, caring for sick family member, or are victims of domestic violence or sexual assault.

The DLIR notes that there may be serious flaws in the current draft of the measure due to the relationship of chapter 387 and the Fair Labor Standards Act (FLSA). The proposal also overlaps with the Temporary Disability Insurance (TDI) Law and could make some existing TDI benefits insufficient or could overlap with TDI benefits.

Further, Hawaii's labor laws have provisions pertaining to size of employer and numerous definitions of employer, however, the establishment of a class of workers defined by occupational code would be a novel provision in Hawaii's law. Lastly, the department is engaging in internal deliberations to generate a recommendation on appropriate statutory placement.

## II. CURRENT LAW

There is no required paid leave in the current law.

## III. COMMENTS ON THE SENATE BILL

This measure follows a trend that is happening across the country. There are three states that have passed paid sick leave laws, [Connecticut](#), [California](#) and [Massachusetts](#)

SB129 adds a new section to the Wage and Hour Law, chapter 387, HRS, and requires employers of specific service workers to provide up to 40 hours a week of paid sick leave, for the employee's own illness, to take care of their child or spouse, or for absences needed a result of being a victim of domestic violence or sexual assault. This bill applies only to employers with 50 or more employees, and to their service workers who are subject to the minimum wage and overtime provisions of the Fair Labor Standards Act.

This may create a conflict under section 387-1, HRS, definition of "employee" paragraph (12), which exempts employees subject to the FLSA, from chapter 387, HRS. Except for Hawaii's higher minimum wage and overtime rates, which are specifically cited in the paragraph (12) exemption. Chapter 387, is generally a minimum wage and overtime law to a group of workers that does not reach the threshold to fall under the jurisdiction of the FLSA.

To be subject to the FLSA is to exclude an employee from chapter 387, HRS. Given the two conflicting applications of "employee" and "service worker" this proposal may not be applicable to anyone.

In addition, by using section 203(d) and (e) of the FLSA to define "employer" and "employee", this amendment would name the federal government as an employer and bring coverage to federal employees which is unenforceable.

Moving this provision to HRS chapter 388, 398, or a new chapter, will likely provide the broad coverage that the purpose is trying to achieve and will more effectively target the larger (50 or more employees) businesses.

One other concern would be if paid leave is provided for the service workers' own illness, how does that work in concert with our worker's compensation and the temporary disability laws? As mentioned above, the proposal also overlaps with the Temporary Disability Insurance (TDI) Law and could make some existing TDI benefits insufficient or could overlap with TDI benefits.

Some employers use sick leave to fulfill the requirement to provide TDI benefits to employees. It may be the case that if the TDI plan provides more than enough sick leave to meet TDI requirements, only the sick leave above the TDI minimum could

be used for leave purposes contemplated by this bill. An employer providing 3 weeks of sick leave (100% of wages paid from the first day of disability) per benefit year meets the minimum requirements for TDI and does not have excess sick leave above the TDI minimum. If some of the 3 weeks of sick leave can be used for purposes other than the employee's own disability, the employer's TDI plan no longer meets TDI requirements.

Moreover, the sick leave payment could overlap with TDI payments. TDI benefit schedules can vary and benefits can begin as early as the first day of disability, but must begin by the eighth day of disability. An overlap in benefits could occur when the employee has sick leave beyond the unpaid waiting period for TDI.

Example 1. TDI benefits start on the second day of disability. An employee with 5 days of sick leave would receive both sick leave and TDI from day 2 through day 5.

Example 2. Assuming that an employee who accrued 40 hours of sick leave but works less than 40 hours per week would be paid the sick leave according to the employee's typical or actual work schedule, the 40 hours of accrued sick leave could be paid out over a period longer than a week. If the employee works 20 hours per week, the sick leave presumably would be paid for two weeks of absence. The sick leave payment would overlap with the TDI benefit, even if the TDI benefit had the longest possible waiting period of 7 days.

As this law does not apply to state service workers whether it is in chapter 387 or 388, HRS, there will not be any fiscal impact via state employees. There may be a fiscal impact for additional personnel to enforce the law.

Complaints concerning violations of this section would go to the Wage Standards Division under Section 387-5, HRS, or Section 388-9, HRS, if moved as suggested. The current backlog of wage-related investigations in the Wage Standards, which stems from loss of investigators in the 2009 reduction in forces (RIF), is projected to be at least two years. Restoring the Labor Law Enforcement Specialist positions lost in the RIF may be essential to practical and timely enforcement of the proposed bill.

HAWAII  
STATE  
COMMISSION  
ON THE  
STATUS  
OF  
WOMEN



Chair  
LESLIE WILKINS

COMMISSIONERS:

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January 28, 2015

**Testimony in Support of SB 129, Relating to Labor**

**To:** Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair  
Members of the Senate Committee on Judiciary and Labor

**From:** Cathy Betts, Executive Director, Hawaii State Commission on the Status of Women

**Re:** Testimony in Support of SB 129, Relating to Labor

On behalf of the Hawaii State Commission on the Status of Women, I would like to express my support of this bill, which would require employers to provide a minimum amount of paid sick leave to employees within the State. I would like to highlight that paid sick leave is very different from paid family leave, something that thousands of caregivers in Hawaii do not have access to. While the Commission supports access to paid sick leave, it is also ever mindful that the majority of our population does not have access to paid leave to care for a newborn, foster or adopted child, or seriously ill family member when they need to.

If passed, this bill would set a standard practice for allowing sick and safe leave for certain workers. 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.<sup>1</sup> While those who oppose this bill may argue that paid leave is bad for business, the wealth of data proves otherwise. For a low-income family, going 3.5 days without wages is equivalent to losing a month's worth of groceries. Furthermore, economies in locations that have paid sick leave are doing very well. More than 2 out of 3 businesses in San Francisco support their city's paid sick days law and 6 out of 7 employers report no negative impact in profit.<sup>2</sup> Having a paid leave policy increases worker loyalty, decreases turnover and ensures a healthy workforce.

Additionally, this bill would enable victims of domestic violence or sexual assault to participate in legal proceedings, receive medical treatment, counseling, or obtain other critical services, without fear that they may lose their job. A minimum amount 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. The Commission recently heard from a community member who was fired for requesting sick leave. The loss of her job caused her probation to be revoked, so she was placed back in a facility. This is the reality for people who have no access to paid sick leave.

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.<sup>3</sup> In 2007, between 15.2% and 27.6% of those women surveyed lost a job due to abuse.<sup>4</sup> Allowing a minimum amount of paid time off is crucial for victims to recover from abuse. In one study, 23% of adults say they have been threatened with termination or fired for taking time off to take care of a sick family member.<sup>5</sup> Finally, it would make sense to add victims of stalking to the inclusion of covered individuals. Thank you for your time.

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<sup>1</sup> National Partnership for Women and Families, *Women of Color Need a Paid Sick Day Standard* (December 2010).

<sup>2</sup> Family Values at Work, Key Evidence in Sick Leave, available <http://familyvaluesatwork.org/wp-content/uploads/2014/08/Earned-Sick-Days-Key-Evidence-August-20142.pdf>, last visited January 27, 2015.

<sup>3</sup> Katrina Baum, U.S. Dep't of Justice, Bureau of Justice Statistics, *Stalking Victimization in the United States* (2009).

<sup>4</sup> TK Logan, *et al.* *Partner Stalking and Implications for Women's Employment*, J. INTERPERS. VIOLENCE 22(3): 268-291 (2007).

<sup>5</sup> Tom W. Smith and Jibum Kim, *Paid Sick Days: Attitudes and Experiences*, Public Welfare Foundation (2010), available at <http://www.publicwelfare.org/resources/DocFiles/psd2010final.pdf>.



**Testimony to the Senate Committee on Judiciary and Labor  
Thursday, January 29, 2015 at 9:15 A.M.  
Conference Room 016, State Capitol**

**RE: SENATE BILL 129 RELATING TO LABOR**

Chair Keith-Agaran, Vice Chair Shimabukuro, and Members of the Committee:

The Chamber of Commerce of Hawaii ("The Chamber") **opposes** SB 129, which requires certain employers to provide sick leave to service workers for specified purposes under certain conditions.

The Chamber is the largest business organization in Hawaii, representing over 1,000 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 members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

We are opposed to SB 129 which requires employers to provide paid sick leave to service workers. This is another mandated benefit that will increase the cost to employers and could severely hurt job growth. In addition, it will require a huge burden on companies to manage the accumulation and usage of sick leave as written by this bill. Many small companies do not have large administrative staff to help manage this new benefit.

Also, employers provide sick leave so workers can recover from a health illness or injury. Many employers are quite generous with sick leave benefits. If companies are not allowed to manage their employee's usage of sick leave, it may lead to abuse. This may cause some companies to 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.

While most workers utilize their sick leave only when ill, there is a percentage of workers who abuse this benefit. CareerBuilder.com reported that 1 in 4 workers consider sick leave to be vacation time. This bill would make it very difficult for employers to manage their employees and the benefits provided.

We respectfully ask that this bill be held in committee. Thank you for the opportunity to testify.



HAWAII  
AMERICANS FOR DEMOCRATIC ACTION

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January 27, 2015

Chair Gil Keith-Agaran, Senate Judiciary and Labor Committee  
Committee Members

Re: SB 129 Relating to Labor  
Hearing on Jan. 29, 2015

Dear Senator Keith-Agaran and Members of the Committee:

Americans for Democratic Action is an organization devoted to the promotion of progressive public policies. We support SB129 as it would require certain employers to provide sick leave to service workers for specified purposes under certain conditions. It is particularly important to ensure that service workers have a reasonable amount of sick leave. Some fast food service workers are encouraged to come in to work sick. This is a health hazard. It should be prohibited by health rules, but employers and employees currently have an incentive to have sick workers come in to work. This law would be an extra incentive to keep sick people at home and protect the health of all.

We question the provision that states: "(3) In one-hour increments up to a maximum of forty hours per calendar year." This should not invalidate the contracts of employers who provide more than forty hours per calendar year.

Thank you for your consideration.

Sincerely,

John Bickel  
President





**Neal K. Okabayashi**  
Senior Vice President & Attorney  
Government Affairs

Presentation To  
Committee on Judiciary and Labor  
Thursday, January 29, 2015, 9:15 a.m.  
State Capitol, Conference Room 016

**Testimony in Opposition for S.B. No. 129, Relating to Labor**

TO: The Honorable Gilbert S.C. Keith-Agaran, Chair  
The Honorable Maile S.L. Shimabukuro, Vice Chair  
Members of the Committee

My name is Neal K. Okabayashi and I represent First Hawaiian Bank. We oppose S.B. 129 in its current form for the reasons stated in my testimony.

In Section 1, the definition of "child" appears to be incomplete. While a child in a in loco parentis relationship is one that is under 18 years old, otherwise, a child can be of any age. The impact of this definition is that since sick leave, which may be used to take care of a child, may accrue without limit, a more mature employee may have accrued a vast amount of sick leave which can be used for sick leave for a child for beyond the age of majority. In fact, our generous sick leave policy of 26 weeks may be exceeded by the accrual provision.

As to the definition of employer, since we are quite generous with our sick leave policy and a disincentive to maintain such a policy should not be encouraged, we believe that a classification section 522110 in the NAICS and section 522130 should be added. The former classification is for commercial banks and the latter is for credit unions.

While the bank exceeds the mandatory sick leave levels under this bill, we object to including a provision of "retaliatory personnel action" since without being able to discipline those who abuse sick leave (e.g., the Friday - Monday syndrome), sick leave becomes paid time off.

We were led to believe that this was aimed at restaurants and while we are not a restaurant, we do have a dining room and cafeteria for our workers and tenants which is not open to the public. For the safety of our building, tenants and guests, we do have security guards. Thus, the classification of 11-9050 (food service managers), 33-9032 (security guards), 37-2011 (janitors - although at present a vendor performs such work), 35-1010 through 35-9090 (generally food service), 41-2021 (counter and rental clerks), 43-3070 (tellers and we have many of them) and 43-6010 (secretaries and administrative assistants) bothers us. However, by including the exemption as I request in paragraph 3 of this testimony, that would resolve this issue although for clarity, 43-3070 (tellers) should be deleted.

As to subsection (b) on page 6, starting on line 6, it is unclear to me how this should be calculated since it says "for each forty hours worked" and thus it is not clear if hours of sick leave or vacation pay do lead to the accrual of sick leave.



The Honorable Gilbert S.C. Keith-Agaran, Chair  
The Honorable Maile S.L. Shimabukuro, Vice Chair  
January 28, 2015  
Page 2

If all hours are counted, the norm is a 2080-hour year, that would be a maximum of 6.5 days and we exceed that by a great margin. But if the sick leave is accrued, notwithstanding the limit on number of accrued hours that are available for usage in a year, there is an unwelcome potential of an employee being able to have more time off than we presently generously allow or increase the potential for an absentee worker that leads to production issues, especially when sick leave can be used for other reasons than the worker's actual illness.

We are encouraged by section (d) on page 7, starting on line 10, since we offer paid time off in excess of the hours proposed under S.B. No. 129 but our concern is that the language in (d)(2) on lines 14 and 15, when one factors in accrued time, our vacation policy limits (13 to 23 days) will be exceeded.

For those reasons, we oppose S.B. No. 129 in its present state.

Thank you for this opportunity to testify and welcome any questions you might have.

  
Neal K. Okabayashi



Randy Perreira  
President

# HAWAII STATE AFL-CIO

345 Queen Street, Suite 500 • Honolulu, Hawaii 96813

The Twenty-Eighth Legislature, State of Hawaii  
Hawaii State Senate  
Committee on Judiciary and Labor

Telephone: (808) 597-1441  
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Testimony by  
Hawaii State AFL-CIO  
January 29, 2015

## S.B. 129 – RELATING TO HEALTH

The Hawaii State AFL-CIO strongly supports S.B. 129 which requires certain employers to provide sick leave to service workers for specified purposes under certain conditions.

Many union members working in Hawaii are fortunate to have access to paid sick days. Even a number of employers that do not have a collective bargaining agreement offer generous paid sick days to their employees and we commend them for providing such benefits. Regrettably, not all workers are provided access to paid sick days. In fact, according to the National Partnership for Women and Families, over 170,000 Hawaii workers or nearly 43 percent of the state's private-sector workforce are not able to take paid sick days when they are ill or when their children are ill. As a result, countless employees attend work sick as many of the 170,000 workers are low-wage service sector workers living paycheck to paycheck. This however can be changed for the better.

Supporting S.B. 129 will provide workers who need it the most with a few paid sick days a year. Children who are sick will finally be able to stay at home and recover and sick employees will finally have the opportunity to regain their health allowing them to return to work at full productivity. And most importantly, the spread of illness will be greatly reduced among co-workers, school children and the general public. Hawaii will become a more productive state and a state that recognizes the impact of how contagious the flu or other diseases can be to Hawaii residents. A small number of paid sick days a year can go a long way to improving the quality of life for many.

Thank you for the opportunity to testify.

Respectfully submitted,

Randy Perreira  
President



## **Before the Senate Committee on Judiciary and Labor**

DATE: Thursday, January 29, 2015

TIME: 9:15A.M.

PLACE: Conference Room 016

### **Re: SB 129 Relating to Labor**

#### **Testimony of Melissa Pavlicek for NFIB Hawaii**

We are testifying on behalf of the National Federation of Independent Business (NFIB) in opposition to SB 129 relating to Labor. NFIB Hawaii respectfully **opposes** this measure.

SB 129 requires certain employers to provide sick leave to service workers for specified purposes under certain conditions. The measure further defines service workers and employers.

When it comes to employers providing paid sick time to their employees, we believe that government should not intrude in the employer/employee relationship. Many small employers are already flexible in accommodating employee needs and time off requests without conflict and we believe that adding additional leave requirements has the potential to conflict with already-existing state and federal leave requirements.

The National Federation of Independent Business is the largest advocacy organization representing small and independent business 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.

Mahalo for your consideration.



**ABC STORES**

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**TESTIMONY  
COMMITTEE ON JUDICIARY AND LABOR  
Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair  
Thursday, January 29, 2015, 9:15a  
Conference Room 016  
State Capitol**

To: Chair Keith-Agaran, Vice Chair Shimabukuro and Committee Members:

**ABC Stores OPPOSES Senate Bill 129, Relating Labor**

My name is Paul Kosasa, President and CEO of ABC Stores, a local company doing business in Hawaii for over 60 years, with 50+ stores statewide.

ABC Stores employs over 900 employees Statewide and already offers generous benefits to our employees, including sick leave for all of our full-time workers. Our Human Resources Department continually and diligently maintains and upkeeps the numerous labor laws and procedures for all of our employees. This includes regular payroll, payroll taxes, worker's compensation, temporary disability, retirement benefits, healthcare benefits, etc.

With the passage of SB 129, this will add yet another layer of tracking responsibility for our human resources department. Doing business in Hawaii will become even more burdensome in keeping in compliance with the labor laws.

As a member of Hawaii's business and local community, I kindly ask you to OPPOSE the proposed SB 129 for the reasons stated above.

Thank you for the opportunity to submit testimony on this bill.

A handwritten signature in blue ink, appearing to read "Paul Kosasa".

**PAUL KOSASA  
President & CEO**



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Testimony to the Senate Committee on Judiciary and Labor  
Thursday, January 29, 2015 9:15 a.m.  
State Capitol - Conference Room 016

RE: SENATE BILL NO. 129 RELATING TO LABOR

Aloha Chair Keith-Agaran, Vice Chair Shimabukuro, and members of the committees:

We are Melissa Pannell and John Knorek, the Legislative Committee co-chairs for the Society for Human Resource Management – Hawaii Chapter (“SHRM Hawaii”). SHRM Hawaii represents nearly 1,000 human resource professionals in the State of Hawaii.

We are writing to respectfully oppose SB 129, which requires certain employers to provide sick leave to service workers for specified purposes under certain conditions. The measure further defines service workers and employers.

Human resource professionals are keenly attuned to the needs of employers and employees. We are the frontline professionals responsible for businesses' most valuable asset: human capital. We truly have our employers' and employees' interests at heart. We respectfully oppose this measure for the implementation challenges and administrative burden it would impose and for the potential of unintended consequences, including conflicts with other laws and requirements and existing employer-provided leave policies and costs.

We will continue to review this bill and, if it advances, request to be a part of the dialogue concerning it. Thank you for the opportunity to testify.



SHRM Hawaii, P. O. Box 3175, Honolulu, Hawaii (808) 447-1840



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Honolulu, HI 96819

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Fax: (808) 831-0833

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Monday, January 26, 2015

Committee on Judiciary and Labor

RE: Senate Bill 129 Relating to Labor

Dear Chair Keith-Agaran, Vice Chair Shimabukuro, and members of the Committee:

We appreciate the opportunity to testify on SB 129, 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 129 requires certain employers to provide sick leave to service workers for specified purposes under certain conditions. The measure further defines service workers and employers.

We believe that government should not intrude in the employer/employee relationship; especially when it comes to matters which we and many other employers already address. We are concerned about the potential for conflict with existing leave laws and the patchwork of rules and laws that may result in inconsistencies.

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



Executive Officers:

John Schilf, RSM Hawaii - Chair  
Derek Kurisu, KTA Superstores - Vice Chair  
Lisa DeCoito, Aloha Petroleum – Treasurer  
John Erickson, Frito-Lay – Secretary  
Lauren Zirbel, Executive Director

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TO:  
COMMITTEE ON JUDICIARY AND LABOR  
Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION  
Lauren Zirbel, Executive Director

DATE: Thursday, January 29, 2015  
TIME: 9:15 am  
PLACE: Conference Room 016  
State Capitol  
415 South Beretania Street

RE: SB 129 RELATING TO LABOR – Requires employers to provide sick leave.

Position: Strongly Oppose

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers and distributors of food and beverage related products in the State of Hawaii.

Our employers 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. Traditionally paid sick leave is a benefit that is earned by full time employees. Providing this type of benefit to part time and hourly employees greatly increases the cost to employers of providing these types of jobs. For many businesses this could mean that they can no longer afford to employ as many people and will have to eliminate much needed jobs. This would be an unnecessary 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 also 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.

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.

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.

The Twenty-Eighth Legislature  
Regular Session of 2015

THE SENATE

Committee on Judiciary and Labor  
Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair  
State Capitol, Conference Room 016  
Thursday, January 29, 2015; 9:15 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 129  
RELATING TO LABOR**

The ILWU Local 142 supports the intent of S.B. 129, which requires certain employers to provide sick leave to service workers for specified purposes under certain conditions.

Hawaii statute currently requires that temporary disability insurance (TDI) benefits be provided to all employees at 58% of the employee's wages from the eighth day of disability for a maximum of 26 weeks when an employee is unable to work due to non-work related injuries or illnesses. Passed in 1969, the TDI law was intended to address the need for income during an illness or injury of some duration. Employers may purchase insurance or be "self-insured" by adopting a sick leave policy that is approved by the Department of Labor and Industrial Relations. Some employers provide both a TDI insured plan and a sick leave policy.

However, a TDI insured plan is clearly not the best solution for those who have to stay at home due to a cold or flu or a broken ankle or even to care for a sick child or parent because of the limited benefit (58%), waiting period (seven days), and ineligibility to use sick leave for family leave purposes. S.B. 129 addresses those concerns by mandating paid sick leave from the first day of illness provided the employee has worked long enough to earn the benefit. The provision of sick leave is a sensible, humane way to treat employees and should be required of all employers. After all, no one wants a cook who is sick with a communicable illness to be preparing their food.

While we have some questions about what a new law could mean for TDI and for workers under a collective bargaining agreement, the ILWU respectfully recommends that the Committee pass S.B. 129 for further discussion and clarification.

Thank you for the opportunity to share our views and concerns.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDL Testimony](#)  
**Cc:** [REDACTED]  
**Subject:** Submitted testimony for SB129 on Jan 29, 2015 09:15AM  
**Date:** Wednesday, January 28, 2015 4:58:46 PM  
**Attachments:** [2015\\_SB\\_129\\_paid\\_sick\\_leave.docx](#)

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**SB129**

Submitted on: 1/28/2015

Testimony for JDL on Jan 29, 2015 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Joanne Kealoha	ILWU Local 142	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**HAWAII GOVERNMENT EMPLOYEES ASSOCIATION**  
AFSCME Local 152, AFL-CIO

**RANDY PERREIRA**, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

**The Twenty-Eighth Legislature, State of Hawaii  
Hawaii State Senate  
Committee on Judiciary and Labor**

**Testimony by  
Hawaii Government Employees Association  
January 29, 2015**

**S.B. 129 – RELATING TO LABOR**

The Hawaii Government Employees Association supports the purpose and intent of S.B. 129, which requires certain employers to provide sick leave to service workers under certain, specific conditions.

The HGEA represents more than 27,000 public-sector employees who enjoy the same benefit of paid sick leave for healthcare. No employee should have to choose between their family's well-being and their job. Taking time off to care for one's illness not only protects the employee, but also protects their families, colleagues, and customers by reducing the chances of spreading illness. Providing employees with a few days of paid sick leave is an investment that not only supports the employee, but our community as a whole.

Thank you for the opportunity to testify in support of S.B. 129.

Respectfully submitted,

**Randy Perreira  
Executive Director**

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**Subject:** Submitted testimony for SB129 on Jan 29, 2015 09:15AM  
**Date:** Monday, January 26, 2015 10:57:41 AM

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**SB129**

Submitted on: 1/26/2015

Testimony for JDL on Jan 29, 2015 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bob Stout	Times Supermarkets	Oppose	No

Comments: This attempt has come up before and we will continue to oppose it. The liability this creates is what legislators need to understand. It's incredibly damaging in that for an employer who already provides sick leave it will turn into "paid time off" or vacation pay. That's a huge shift in mindset and folks having used up their "paid time off" get what when they are sick?? This only increases operating expenses which either result in cutting other benefits or raising prices- neither a good choice.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**Date:** Thursday, January 29, 2015 1:43:25 AM

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**SB129**

Submitted on: 1/29/2015

Testimony for JDL on Jan 29, 2015 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ronnie Perry	Individual	Support	No

Comments: I strongly support this bill.

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