

Honolulu, Hawaii

FEB 17 2017

RE: S.B. No. 425
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 425 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 with fifty or more employees to provide paid sick leave
to service workers.

Your Committee received testimony in support of this measure
from the Hawaii State Commission on the Status of Women;
Democratic Party of Hawai'i; Americans for Democratic Action;
Hawaii State AFL-CIO; Hawaii Government Employees Association,
AFSCME, Local 152, AFL-CIO; Hawaii Children's Action Network;
Hawaii Women's Coalition; and ILWU Local 142. Your Committee
received testimony in opposition to this measure from ABC Stores,
Chamber of Commerce Hawaii, Hawaii Crop Improvement Association,
Hawaii Food Industry Association, Maui Chamber of Commerce, Retail
Merchants of Hawaii, Hawaii Lodging & Tourism Association, Society
for Human Resource Management-Hawaii Chapter, National Federation
of Independent Business, Gytaku Japanese Restaurant, Highway Inn,
Il Gelato Hawaii, Aiea Bowl, Tiki's Grill & Bar, and two
individuals. Your Committee received comments on this measure
from the Department of Labor and Industrial Relations.

Your Committee finds that service workers who do not receive
sick leave benefits may work while sick to avoid disciplinary
action by an employer or financial hardship, thereby exacerbating



their illness or placing co-workers and the public at risk if the illness is contagious. Your Committee finds that it is in the interest of the health and safety of employees and the public that service workers be allotted sick time to promote recovery and mitigate the spread of illnesses.

Your Committee finds that this measure is an appropriate vehicle in which to include the intent of S.B. No. 516, Regular Session of 2017, which allows an employee to take family leave in addition to victim leave when the employee or employee's minor child is a victim of domestic or sexual violence, as Part II, taking into consideration the amendments proposed in the testimony of the Department of Labor and Industrial Relations on S.B. No. 516 to amend section 378-73, Hawaii Revised Statutes, rather than chapter 398, Hawaii Revised Statutes.

Your Committee has amended this measure by:

- (1) Inserting Part II, which provides that an employee need not exhaust family leave benefits under chapter 398, Hawaii Revised Statutes, prior to taking victim leave under chapter 378, Hawaii Revised Statutes;
- (2) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that one of the main issues to consider as this measure moves forward is whether the victim leave benefits inserted as Part II of this measure are in addition to certain other leave benefits.

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. 425, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 425, S.D. 1, and be referred to your 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-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 425	Committee Referral: JDL, WAM	Date: 2/14/17		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike				✓
KIM, Donna Mercado	✓			
THIELEN, Laura H.	✓			
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes