



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

**RANDY PERREIRA**, Executive Director • Tel: 808.543.0011 • Fax: 808 528.0922

**LATE TESTIMONY**

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

Testimony by  
Hawaii Government Employees Association

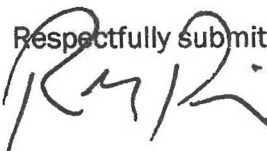
February 14, 2017

S.B. 425 - RELATING TO LABOR

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of S.B. 425 which requires employers to provide a minimum amount of paid sick leave to employees.

We represent more than 27,000 public-sector employees who enjoy the benefit of paid sick leave for healthcare. No employee should be forced to choose between their 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. 425.

Respectfully submitted,  


Randy Perreira  
Executive Director



Randy Perreira  
President

# HAWAII STATE AFL-CIO

345 Queen Street, Suite 500 • Honolulu, Hawaii 96813

**LATE TESTIMONY**

Telephone: (808) 597-1441

Fax: (808) 593-2149

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

Testimony by  
Hawaii State AFL-CIO  
February 14, 2017

## S.B. 425 – RELATING TO LABOR

The Hawaii State AFL-CIO strongly supports S.B. 425 which requires certain employers with fifty or more employees to provide sick leave to service workers for specified purposes under certain conditions.

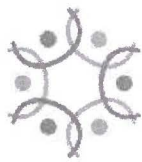
Many union members working in Hawaii are fortunate to have access to paid sick days. Even a number of employers that do not have a collective bargaining agreement offer generous paid sick days to their employees and we commend them for providing such benefits. Regrettably, not all workers are provided 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. 425 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 healthier state, a more productive state and of course 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



February 13, 2017

To: Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Karl Rhoads, Vice Chair  
Committee on Judiciary and Labor

From: Deborah Zysman, Executive Director  
Hawaii Children's Action Network

Re: **SB 425 – Relating to Labor**  
**Hawaii State Capitol, Room 016, February 14, 2017, 9:00 AM**

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**On behalf of Hawaii Children's Action Network (HCAN), we are writing to support the intention of SB 425 – Relating to Labor.**

Sick leave policies make economic sense not just for the employee but also for the employer. These policies provide the employee job security, better health, less stress, and more satisfaction with their job while reducing costs for employers by eliminating the need to replace workers and sickness of additional workers. An Oxfam America survey of low-wage working mothers found 19 percent reported losing a job because they were sick or they had to care for a sick child. It is estimated that 63% of young children in Hawaii have working parents with 31% of Hawaii's children living in single parent households.

According to the US Department of Labor:

- Four in ten private sector workers, over 40 million people, do not have access to paid sick time.
- Seven in ten low-wage workers whose earnings are in the bottom 25 percent of earners, lack access to paid sick time.
- For those employed in the accommodation and food services industries, 75 percent must choose between losing pay and showing up to work sick or leaving a sick child at home alone.
- Without sick leave, workers are more likely to go to work and infect others. A recent survey of food workers showed that nearly 90 percent went to work when they were sick, including more than half who did so "always" or "frequently." And of those who worked while sick, almost half (45 percent) reported going to work sick because they could not afford to lose pay.

However, this bill does not go far enough. It should be expanded to cover all categories of workers such as health care and retail, and it should also cover all sizes of businesses since many service establishments are small businesses with less than 50 employees.

**For these reasons, HCAN respectfully requests that the committee PASS this bill.**

HCAN is committed to building a unified voice advocating for Hawaii's children by improving their safety, health, and education. Last fall, HCAN convened input in person and online from more than 50 organizations and individuals that came forward to support or express interest for a number of issues affecting children and families in our state that resulted in the compilation of 2017 Hawai'i Children's Policy Agenda, which can be accessed at <http://www.hawaii-can.org/2017policyagenda>.





**HAWAI'I LODGING & TOURISM**  
**ASSOCIATION**

Testimony of

Mufi Hannemann  
President & CEO  
Hawai'i Lodging & Tourism Association

Senate Committee on Judiciary and Labor  
Senate Bill 425 – Relating to Labor

Chair Keith-Agaran, Vice Chair Rhoads and committee members:

On behalf of the more than 700 members of the Hawai'i Lodging & Tourism Association permit me to offer this testimony in regards to Senate Bill 425 which would require certain employers with fifty or more employees to provide sick leave to service workers for specified purposes under certain conditions.

The Hawai'i Lodging & Tourism Association respectfully opposes SB425, which will require employers to provide paid sick leave to the defined "service worker". The majority of companies in Hawaii currently address the issue of sick leave as an agreement between the employer and employee; we feel that this benefit should not be imposed as a requirement through legislation.

Furthermore, this measure would create another mandated benefit that will not only increase costs to employers but put further burden on companies to track the accumulation and usage of proposed sick leave; a burden that would have an even larger effect on smaller companies who may not have the administrative capacity to manage this new benefit.

Lastly, this bill would allow workers to utilize sick leave that are beyond the employee's health, as well as opening up for potential misuse and abuse of this benefit. For these reasons we are in opposition of SB425.

Thank you for the opportunity to testify.



## Hawaii Women's Coalition

**COMMITTEE ON JUDICIARY AND LABOR**  
**Senator Gilbert S.C. Keith-Agaran, Chair**  
**Senator Karl Rhoads, Vice Chair**

DATE: Tuesday, February 14, 2017  
TIME: 9:00 a.m.  
PLACE: Conference Room 016

**Comments on SB425 that requires certain employers with fifty or more employees to provide sick leave to service workers for specified purposes under certain conditions.**

Aloha Chair Keith-Agaran, Vice Chair Rhoads and members

**The Coalition supports the intent of this bill but would prefer more comprehensive family leave legislation.** This bill does not allow employees cash out sick leave. They can't use the sick leave for a child or a spouse, or for purposes stemming from Domestic Violence or Sex Assault.

A comprehensive bill would include:

- Universal paid family leave--- all employees pay in, and all employees can take out.
- A broad definition of family to encompass the changing demographics of Hawaii's families.
- Wage replacement program for caregivers. More progressive wage replacement for lower income workers is preferred in order for low-income workers to actually be able to utilize the leave.
- A cap on wage replacement so higher income workers do not exhaust the fund.
- At least 12 weeks in duration. Biological mothers should not be barred from also using TDI.

Mahalo for the opportunity to testify,

Ann S. Freed Co-Chair, Hawai'i Women's Coalition  
Contact: [annsreed@gmail.com](mailto:annsreed@gmail.com) Phone: 808-623-5676

The Twenty-Eighth Legislature  
Regular Session of 2017

HOUSE OF REPRESENTATIVES  
Senator Gilbert S.K. Keith-Agaran, Chair  
Senator Karl Rhoads, Vice Chair  
State Capitol, Conference Room 016  
Tuesday, February 14, 2017; 9:00 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 425  
RELATING TO LABOR**

The ILWU Local 142 **supports** S.B. 425, which requires employers with fifty or more employees to provide sick leave to service workers for specified purposes under certain conditions.

Providing paid leave for a worker's own illness or disability is a humane employment practice that fosters loyalty and productivity among employees while creating a healthful environment for employees as well as customers of the employer. The current law mandating Temporary Disability Insurance (TDI) is a means of providing paid leave for workers to address their own illnesses, but TDI starts only after a week of illness. TDI also pays 58% of wages for a maximum of 26 weeks.

While we support employers providing paid sick leave to their employees, we have concerns about what this bill may do to the current Temporary Disability Insurance law that has served us well for more than forty years. We recommend that language to protect the TDI law be inserted in the bill.

We are also concerned about the possibility that employers who currently provide paid sick leave, equivalent to the TDI requirement but without a waiting period, will opt for the cheaper alternative that S.B. 425 proposes. We recommend that language be inserted into the bill to prohibit employers from moving to the paid sick leave proposed in S.B. 425 unless they are able to demonstrate financial hardship.

Finally, we are concerned that the distinction between allowing service workers to use paid sick leave for their child's or spouses' illness and family leave for a serious health condition must be made clear. The two should not be confused, and language should be inserted in the bill to clarify this distinction.

The ILWU respectfully recommends passage of S.B. 425 with amendments as suggested by our concerns. Thank you for the opportunity to offer testimony on this measure.



Testimony to the Senate Committee on  
Judiciary and Labor  
February 14, 2017 at 9:00 a.m.  
State Capitol - Conference Room 309

RE: SB 425 Relating to Labor

Aloha members of the committee:

We are Cara Heilmann and John Knorek, the Legislative Committee co-chairs for the Society for Human Resource Management – Hawaii Chapter (“SHRM Hawaii”). SHRM Hawaii represents more than 800 human resource professionals in the State of Hawaii.

We are writing to respectfully oppose SB 425, which requires certain employers with fifty or more employees to provide sick leave to service workers for specified purposes under certain conditions. We feel this measure is unduly burdensome for employers and has the potential to cause potential conflicts with paid and unpaid leave requirements.

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 because of the implementation challenges and administrative burden it would impose, and for the potential of unintended conflict with other leave laws.

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





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

DATE: February 14, 2017

TIME: 9:00 a.m.

PLACE: Conference Room 16

**Re: SB 425 Relating to Labor**

Testimony of Melissa Pavlicek for NFIB Hawaii

Aloha Chair Keith Agaran, Vice Chair Rhoads, and members of the Committee:

We are testifying on behalf of the National Federation of Independent Business (NFIB) in opposition to SB 425, which requires certain employers with fifty or more employees to provide sick leave to service workers for specified purposes under certain conditions.

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 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 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.



**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDL Testimony](#)  
**Cc:** [ybeckhi@hawaii.rr.com](mailto:ybeckhi@hawaii.rr.com)  
**Subject:** \*Submitted testimony for SB425 on Feb 14, 2017 09:00AM\*  
**Date:** Monday, February 13, 2017 7:05:17 PM

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**SB425**

Submitted on: 2/13/2017

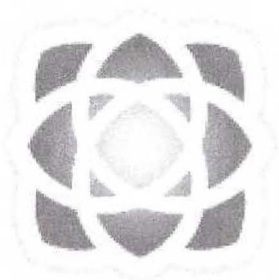
Testimony for JDL on Feb 14, 2017 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
stacy vanderbeck	Aiea bowl	Oppose	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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# MAUI

CHAMBER OF COMMERCE  
VOICE OF BUSINESS

HEARING BEFORE THE SENATE COMMITTEE ON JUDICIARY AND LABOR  
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 016  
TUESDAY, FEBRUARY 14, 2017 AT 9:00 A.M.

To The Honorable Gilbert S.C. Keith-Agaran, Chair;  
The Honorable Karl Rhoads, Vice Chair; and  
Members of the Committee on Judiciary and Labor

**TESTIMONY IN OPPOSITION TO SB 425 REQUIRING CERTAIN EMPLOYERS WITH 50 OR MORE EMPLOYEES TO PROVIDE SICK LEAVE TO SERVICE WORKERS**

Aloha, my name is Pamela Tumpap and I am the President of the Maui Chamber of Commerce representing approximately 600 businesses and 16,000 employees on Maui. I am writing share our opposition to SB 425.

As a representative of businesses on Maui, we believe imposing a law requiring business with over 50 employees to provide paid sick leave to service workers would be an extreme burden upon our local businesses. . The bill would allow for employees to accrue up to 80 hours of sick leave and to be able to rollover the unused sick leave each year. Many businesses cannot afford to have an employee away from work for 10 full days without significant notice. Also many local businesses do not have the resources to keep up with the amount of paid sick leave an employee has accrued or used . Unlike the state, businesses are not allowed to carry unfunded benefits programs and continue to operate as though they are solvent. Heaping mandates such as this on businesses when they cannot afford it could bankrupt them. For businesses to provide that much paid sick leave to essentially all of their employees is extremely costly, unpredictable, and requires additional services or work for the upkeep. We cannot place this burden on our local businesses.

We appreciate the opportunity to testify on this matter and therefore ask that this bill be deferred.

Mahalo for your consideration of our testimony.

Sincerely,

Pamela Tumpap  
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



To: Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Karl Rhoads, Vice Chair  
Members of the Committee on Judiciary and Labor  
From: Michael Miller, Tiki's Grill & Bar  
Subj: SB425 Requiring Certain Employers to Provide Sick Leave  
Date: February 12, 2017

Thank you for the opportunity to provide testimony. We, at Tiki's Grill & Bar, hereby oppose Senate bill SB425 for singling out our industry, specifically, restaurant employers with 50 or more employees.

We are a locally owned and operated restaurant in our 15th year of business. Our owners and myself are all graduates of the University of Hawai'i at Manoa and are very active in our community.

With Hawaii's low unemployment rate, employees have the opportunity to work at other restaurants or food service establishments around town. We do offer paid time off as a competitive edge, compared to some other employers. Our employees enjoy discounts, company events and company sponsored activities outside of work.

Instead of a carryover policy, Tiki's and many other employers impose a "use it or lose it policy" to ensure that staff take time off to refresh and rejuvenate. This is especially important in industries where work may be physical or strenuous.

We urge you to rethink the notion of revenue per employee vs. size of company as a measure to impose certain rules. Different companies and industries have different cost structures. Restaurants are not known for their high profit margins and longevity in the industry so while employee size is one measure, it is a much less significant measure than other variables in regards to profitability and the ability to sustain increased costs.

This bill's provisions allowing the carryover of sick leave from one year to another has its own unique challenges because if more than one employee is out for an extended period of time, the business will be extremely short staffed, which reduces the ability to serve guests and to run the business efficiently.

We urge you not pass this bill out of committee and say, "Mahalo" for considering our point of view while making laws and rules that affect the state.

Mahalo,

Michael Miller / Director of Operations  
michaelm@tikisgrill.com



BARBARA MARUMOTO

Senate Labor Committee

Tuesday, Feb. 14, 2017

9 am

Room 016

SB 425 RELATING TO LABOR - IN OPPOSITION

As member of the NFIB and an enthusiastic supporter of small business in Hawaii, I am submitting testimony in opposition to SB 425.

This measure applies to businesses that employ 50 or more service employees who work in certain food businesses on Jan. 1 of each year. It will provide paid sick leave for hours worked. This could be a time-consuming and onerous problem to keep track of each employee's attendance and hours worked. Should the accrued sick leave exceed more than one year, the record-keeping could get exceedingly complicated.

The new sick leave administered and paid will be a heavy management and financial burden for Hawaii businesses. In addition, the new and extra regulations due to domestic violence-related issues will exacerbate these costs. Employers are understandably nervous when the Legislature is in session. This year they are apprehensive of increased excise, gasoline, automobile weight taxes, auto registration fees and increased property taxes. Please do not advance this measure.