

EXECUTIVE CHAMBERS

HONOLULU

July 13, 2004

GOV. MSG. NO. 730

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 469

Honorable Members
Twenty-Second Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 469, entitled "A Bill for an Act Relating to Employment Practices."

The purpose of this bill is to add a new section to part I of chapter 378, titled "Discriminatory Practices," of the Hawaii Revised Statutes, which prohibits an employer or labor organization from discriminating against an employee who uses accrued and available sick leave in accordance with the terms of a valid collective bargaining agreement or an employer's employment policy.

This bill is objectionable because there is no identified need to legislate in this particular area. Matters pertaining to leave should be determined by collective bargaining negotiations or by company policies. This law could lead to extensive abuse of sick leave disrupting the operations and services of private firms, lead to increased costs, and discriminate against employees who abide by company rules.

Under the federal Family and Medical Leave Act, employees who use leave pursuant to that Act are protected from discrimination; under the state Family Leave law, employees also have certain protections. This bill is also objectionable because it protects those employees who abuse sick leave benefits by preventing employers from disciplining employees for excessive absences if the absences qualify for sick leave under collective bargaining agreements or employers' policies. Finally, this bill

STATEMENT OF OBJECTIONS
SENATE BILL NO. 469
Page 2

may, in fact, discourage employers from providing sick leave to their employees.

For the foregoing reasons, I am returning Senate Bill No. 469 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "Linda Lingle", written in a cursive style.

LINDA LINGLE
Governor of Hawaii

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 469, entitled "A Bill for an Act Relating to Employment Practices," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 469 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 469 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th day
of June, 2004.



LINDA LINGLE
Governor of Hawaii