
A BILL FOR AN ACT

RELATING TO EMPLOYMENT PRACTICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 378-32, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§378-32 Unlawful suspension, discharge, or**
4 **discrimination.** It shall be unlawful for any employer to
5 suspend, discharge, or discriminate against any of the
6 employer's employees:

7 (1) Solely because the employer was summoned as a
8 garnishee in a cause where the employee is the debtor
9 or because the employee has filed a petition in
10 proceedings for a wage earner plan under Chapter XIII
11 of the Bankruptcy Act; [~~or~~]

12 (2) Solely because the employee has suffered a work injury
13 which arose out of and in the course of the employee's
14 employment with the employer and which is compensable
15 under chapter 386 unless the employee is no longer
16 capable of performing the employee's work as a result
17 of the work injury and the employer has no other
18 available work which the employee is capable of



1 performing. Any employee who is discharged because of
 2 the work injury shall be given first preference of
 3 reemployment by the employer in any position which the
 4 employee is capable of performing and which becomes
 5 available after the discharge and during the period
 6 thereafter until the employee secures new employment.

7 This paragraph shall not apply to any employer in
 8 whose employment there are less than three employees
 9 at the time of the work injury or who is a party to a
 10 collective bargaining agreement which prevents the
 11 continued employment or reemployment of the injured
 12 employee; [~~or~~]

13 (3) Because the employee testified or was subpoenaed to
 14 testify in a proceeding under this part[~~or~~]; or

15 (4) Because the employee has used any sick leave provided
 16 by the employer, unless the use of sick leave was
 17 fraudulent or otherwise invalid. A discriminatory act
 18 against the employee shall include but not be limited
 19 to an employer's characterizing the leave as an
 20 absence under the employer's attendance policy."

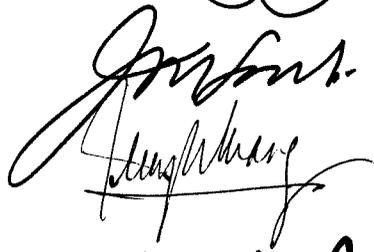
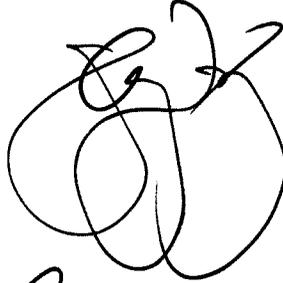
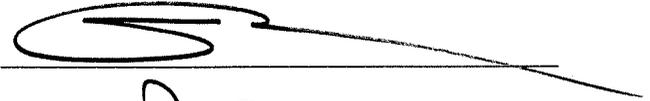
21 SECTION 2. Statutory material to be repealed is bracketed
 22 and stricken. New statutory material is underscored.



1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:



Mele Carroll

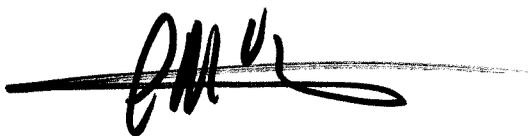
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JAN 17 2007



Report Title:

Employment Practices

Description:

Prohibits employers from suspending, discharging, or discriminating against an employee for taking sick leave.

