STAND. COM. REP. NO. 85 -10 Honolulu, Hawaii FEJ3 , 2010 H.B. No. 2935 RE:

H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fifth State Legislature Regular Session of 2010

Sir:

State of Hawaii

Your Committee on Labor & Public Employment, to which was referred H.B. No. 2935 entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES,"

begs leave to report as follows:

The purpose of this bill is to protect employees by making it an unlawful practice for an employer or labor organization to bar or discharge from employment, withhold pay from, or demote an employee because the employee uses accrued and available sick leave.

The State of Hawaii Organization of Police Officers; United Public Workers; Hawaii State AFL-CIO; International Brotherhood of Electrical Workers; International Brotherhood of Electrical Workers Local Union 1260; International Brotherhood of Electrical Workers Telephone Local Union 1357; International Longshore and Warehouse Union; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Hawaii Building and Construction Trades Council, AFL-CIO; Hawaii Laborers' Union; and many concerned individuals supported this bill. The Department of Labor and Industrial Relations, Department of Human Resources Development, Judiciary, Department of Human Resources of the City and County of Honolulu, Hawaiian Telcom, Society for Human Resource Management -Hawaii Chapter, National Federation of Independent Business, Hawaiian Electric Company, First Hawaiian Bank, The Chamber of Commerce of Hawaii, and Hawaii Credit Union League opposed this measure.

HB2935 HD1 HSCR LAB HMS 2010-1571

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Programs such as the Workers' Compensation Program and Temporary Disability Insurance laws were enacted to afford certain protections for ill or injured workers. Your Committee notes, however, that no public policy exists to protect the use of sick leave for illnesses of a non-chronic and short-term nature.

While your Committee has been informed that employees have been disciplined, reprimanded, and suspended from employment for the legitimate use of sick leave, your Committee also recognizes that abuse does occurs. It is not the intent of this bill to protect those who abuse an employer's sick leave policy but rather to protect legitimately ill employees who use accrued and available sick leave offered by their employers.

Accordingly, your Committee has amended this bill by clarifying that an employee must legitimately use accrued and available sick leave to be protected by the provisions of this bill.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2935, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2935, H.D. 1, and be referred to the Committee on Judiciary.

> Respectfully submitted on behalf of the members of the Committee on Labor & Public Employment,

KARL RHOADS, Chair



State of Hawaii House of Representatives The Twenty-fifth Legislature

HSCR 85-10

Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.:	Committee Referral:			Date: $2 - 2 - 2 \oplus 1 \oplus 1$		
HB 2935 LAB, JUD, FIN 2-2-2010						
The committee is reconsidering its previous decision on the measure.						
The recommendation is to: Image: Pass, unamended (as is) Image: Pass, with amendments (HD) Image: Hold Image: Pass short form bill with HD to recommit for future public hearing (recommit)						
LAB Members		Ayes	Ayes (W	(R)	Nays	Excused
1. RHOADS, Karl (C)						
2. YAMASHITA, Kyle T. (VC)		$\langle \rangle$				
					30404	
3. AQUINO, Henry J.C.						
4. AWANA, Karen Leinani						
4. AWANA, Karen Lemani		/				
5. HANOHANO, Faye P.						
6. KEITH-AGARAN, Gilbert S.C.						
7. LEE, Marilyn B.						-
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8. NAKASHIMA, Mark M.						
					The product of the	
9. SAIKI, Scott K.						
10. SOUKI, Joseph M.						
10. SOUKI, Joseph M.		<u> </u>				
11. TAKUMI, Roy M.						
12. PINE, Kymberly Marcos						-
TOTAL (12)		11				l
The recommendation is: Adopted Not Adopted If joint referral,						
Vice Chair's or designee's signature:						
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO						