

Honolulu, Hawaii

**MAR 06 2015**

RE: S.B. No. 129  
S.D. 2

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 129, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LABOR,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize employees of large employers to earn paid sick leave.

Specifically, this measure:

- (1) Requires employers who employ fifty or more employees to allow those employees to earn sick leave at the rate of one hour of paid sick leave for each forty hours worked;
- (2) Authorizes workers to use earned paid sick leave to take time off of work for:
  - (A) The worker's medical care;
  - (B) The worker's child's or spouse's medical care; or
  - (C) Activities and care resulting from family violence or sexual assault.

Your Committee received written comments in support of this measure from the Democratic Party of Hawaii and Hawaii State AFL-CIO. Your Committee received written comment in opposition to this measure from Hawaii Food Industry Association, Kauai Chamber



of Commerce, Maui Chamber of Commerce, National Federation of Independent Business Hawaii, Society for Human Resource Management Hawaii Chapter, and The Chamber of Commerce of Hawaii. The Department of Labor and Industrial Relations submitted written comments on this measure.

Your Committee finds that the finances of low-income families are often affected when the main wage earner is unable to earn income for a few days due to a short-term illness. While temporary disability insurance protects all wage earners in the State, benefit payments do not start until the eighth day of disability. Requiring employers to allow workers to earn sick leave that can be applied during qualifying short-term absences will help prevent the loss of income not subject to the benefits of temporary disability insurance. This measure will also encourage unhealthy workers to stay home and recover, which will help prevent the spread of the flu and other diseases.

Your Committee has amended this measure by:

- (1) Amending the definition of child to clarify that the qualified legal ward or biological, adopted, foster, or step-child of a service worker is less than eighteen years of age;
- (2) Applying the provisions of this measure to food establishment workers regardless of the number of hours per week worked;
- (3) Removing the exemption for employers that are a business establishment classified in sector 31, 32, or 33 of the North American Industrial Classification System;
- (4) Requiring that sick leave shall be earned only for hours actually worked; and
- (5) Imposing a maximum of eighty hours of earned sick leave that can be carried over for each service worker.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 129, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 129, S.D. 2.



Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,



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JILL N. TOKUDA, Chair



The Senate  
Twenty-Eighth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB129 SD1</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">JDL, WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2/27/15</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312         </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311         </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310         </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313         </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	✓			
KOUCHI, Ronald D. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.				✓
ENGLISH, J. Kalani	✓			
GALUTERIA, Brickwood	✓			
HARIMOTO, Breene	✓			
INOUE, Lorraine R.	✓			
RIVIERE, Gil	✓			
RUDERMAN, Russell E.	✓			
SLOM, Sam			✓	
<b>TOTAL</b>	9	0	1	1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted           <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; text-align: center;">M.D. H.</div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 2px;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

\*Only one measure per Record of Votes