

Honolulu, Hawaii

FEB 14 2019

RE: S.B. No. 1046
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Labor, Culture and the Arts, to which was referred S.B. No. 1046 entitled:

"A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Allow an employee to take family leave in addition to victim leave when the leave is related to domestic or sexual violence against the employee or the employee's minor child;
- (2) Require an employee to submit certification related to domestic or sexual violence of the employee or the employee's minor child; and
- (3) Require employer confidentiality of information related to domestic or sexual violence against the employee or the employee's minor child.

Your Committee received testimony in support of this measure from Hawaii State Coalition Against Domestic Violence, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and two individuals. Your Committee received comments on this measure from the Department of Labor and Industrial Relations.



Your Committee finds that victims of domestic violence often need to take leave from their employment to attend to various health or legal matters. Although state law currently requires that employers allow victim leave for victims of domestic or sexual violence, employees are required to exhaust all other paid and unpaid leave accrued for the calendar year before victim leave may be applied. Thus, an employee may exhaust all sick leave in order to seek safety or medical attention for themselves or their minor child or to take legal action against an abuser, leaving little to no sick leave available for the rest of the calendar year. This measure allows family leave to be used separately from victim leave, which will allow employees to maintain their employment, quality of life, and safety.

Your Committee has amended this measure by:

- (1) Specifying that a certification requirement may be met if the employee provides both a certification issued by a health care provider or other professional from whom the employee or the employee's minor child has sought assistance related to the domestic or sexual violence against the employee or employee's child and a signed written statement from an employee, agent, or volunteer of a victim services organization from the employee's attorney or advocate or from a minor child's attorney or advocate to the employer;
- (2) Inserting an effective date of January 1, 2023; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1046, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1046, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Labor, Culture and
the Arts,



BRIAN T. TANIGUCHI, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Labor, Culture and the Arts
LCA

Bill / Resolution No.:* SB1046	Committee Referral: LCA, JDC	Date: 2-7-19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
IHARA, Jr., Les (VC)	✓			
CHANG, Stanley	✓			
GABBARD, Mike				✓
FEVELLA, Kurt				✓
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes