

**SB2883**

**SD1**



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February 22, 2010

TESTIMONY TO THE  
SENATE COMMITTEE ON JUDICIARY and GOVERNMENT OPERATIONS  
For Hearing on Tuesday, February 23, 2010  
10:00 a.m., Conference Room 016

BY

MARIE C. LADERTA  
CHIEF NEGOTIATOR

**Senate Bill No. 2883, S.D. 1  
Relating to Employment Practices**

**(WRITTEN TESTIMONY ONLY)**

CHAIRPERSON TANIGUCHI AND MEMBERS OF THE COMMITTEE:

The purpose of S.B. No. 2883 S.D.1 is to clarify that conflicts between a collective bargaining agreement and an employer's policy that concerns accrued and available sick leave shall require the terms of the collective bargaining agreement to prevail.

The Office of Collective Bargaining **has comments** on this bill to the extent it applies to public sector employees.

This bill is unnecessary because Chapter 89-19, Hawaii Revised Statutes, already provides that Chapter 89, HRS, shall preempt all contrary rules adopted by the State, counties, or any department or agency thereof. Thus, under Chapter 89-19, HRS, provisions in the respective collective bargaining agreements governing sick leave benefits would trump any conflicting house rules or policies of the public employer.

Thank you for the opportunity to provide comments on this bill.



**Testimony to the Senate Committee on Judiciary**  
Conference Room 016, State Capitol  
Tuesday, February 23; 10:00 a.m.

**RE: SENATE BILL NO. 2883 SD1, RELATING TO EMPLOYMENT PRACTICES**

Chair Taniguchi, Vice Chair Takamine, and Members of the Committee:

My name is Jim Tollefson and I am the President and CEO of The Chamber of Commerce of Hawaii. On behalf of the Chamber, I am here to state The Chamber's opposition to Senate Bill No. 2883 SD1.

The Chamber is the largest business organization in Hawaii, representing more than 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

This measure clarifies that conflicts between a collective bargaining agreement and an employer's policy that concern accrued and available sick leave shall require the terms of the collective bargaining agreement to prevail.

The Chamber of Commerce of Hawaii has held a longstanding position that sick leave is a benefit for employees, not an entitlement. Businesses generally offer this benefit to employees to create a healthy work environment and to foster a positive relationship with its employees. They understand that employees will require occasional leave from work due to a legitimate sickness.

However, creating a protection of the use of sick leave may force many businesses to reduce or eliminate voluntary sick leave. The implications of this measure could lead to a rise in the cost of doing business, an unstable work environment, and potential litigation, which will ultimately impact employees.

Secondly, we believe the proposed legislation is unnecessary because present law with existing safeguards provide appropriate safety nets such as the Family Medical Leave Act (FMLA) and the Hawaii Family Leave Act (HFLA) for employees, and balances the interests of the employer and employee.

For these reasons, The Chamber of Commerce of Hawaii respectfully requests that this measure be held.

Thank you for the opportunity to testify.