

Honolulu, Hawaii

APR 28 2011 , 2011

RE: S.B. No. 229  
S.D. 1  
H.D. 2  
C.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 229, S.D. 1, H.D. 2, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Make it an unlawful discriminatory practice for an employer to engage in discriminatory actions against an employee in certain situations because of the employee's domestic or sexual violence victim status if the employee provides notice to the person's employer of the status or the employer has actual knowledge of the status;
- (2) Require an employer to make reasonable accommodations in the workplace for an employee who is a victim of domestic



or sexual violence, unless the accommodations cause undue hardship on the work operations of the employer;

- (3) Define undue hardship for purposes of the exemption;
- (4) Authorize the employer to verify that the employee is a victim of domestic or sexual violence prior to making reasonable accommodations for the employee;
- (5) List the types of items that the employer may request the employee to provide in order to allow the employer to verify the employee's status; and
- (6) Authorize an employee who is denied reasonable accommodations by an employer in violation of this measure to file a civil action against the employer.

Your Committee on Conference finds that domestic or sexual violence may have a serious and devastating impact on victims' physical and emotional health and financial security. Domestic and sexual violence takes a heavy toll on victims and their employers, including increased security and safety concerns, reduced productivity, and increased health care costs. As a result, victims of domestic and sexual violence can face the loss of their jobs at a time when employment and financial independence is critical.

While your Committee on Conference believes that employers of victims of domestic and sexual violence should not discriminate against and should provide reasonable accommodations for their victim employees, your Committee on Conference notes that the protections available to employees under section 378-2, Hawaii Revised Statutes, are broad. Accordingly, it is reasonable to allow an employer to verify the victim's status by requesting that the employee provide corroboration of their victim status in order for the protections available under section 378-2, Hawaii Revised Statutes, to apply.

Your Committee on Conference has amended this measure by:

- (1) Inserting provisions in section 378-2, Hawaii Revised Statutes, that will allow an employer to request an employee to provide verification of the victim's status initially and not more than once every six months after the employer is notified of the victim's status; and



- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 229, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 229, S.D. 1, H.D. 2, C.D. 1.

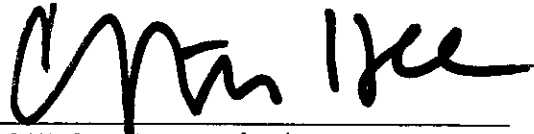
Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE

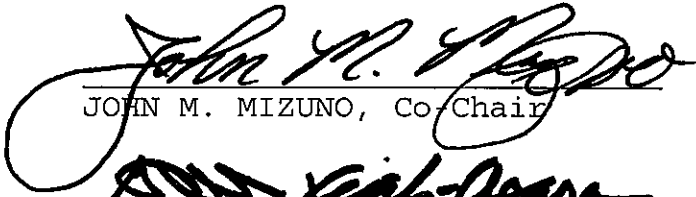
ON THE PART OF THE SENATE



KARL RHOADS, Co-Chair



CLAYTON HEE, Chair



JOHN M. MIZUNO, Co-Chair



MAILE SHIMABUKURO, Co-Chair



GILBERT KEITH-AGARAN, Co-Chair



JONA MERCADO KIM, Co-Chair



