

STAND. COM. REP. NO.

871

Honolulu, Hawaii

MAR 03 2017

RE: S.B. No. 207  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 207, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYEES,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the laws relating to public employment leave policies.

Specifically, the measure:

- (1) Establishes a shared leave program within the Department of Human Resources Development to allow state employees to donate accumulated sick leave and vacation leave credits to a shared leave bank or directly to another state employee who has a serious personal illness or injury or who has a family member who has a serious personal illness or injury; and
- (2) Allows an employee's designation of beneficiary form to be filed with the department where the employee was employed and permits the designation to be made through a statement that is not verified or written if any employee dies with accumulated leave.

Your Committee received written comments in support of this measure from the Hawaii Government Employees Association and one



individual. Your Committee received written comments in support of part II of this measure from the Department of Accounting and General Services.

Your Committee received written comments in opposition to this measure from the Department of Human Resources Development.

Your Committee received written comments on part I of this measure from one individual.

Your Committee finds that although the Hawaii Revised Statutes currently authorize state departments to establish shared leave programs, they are not required to do so, and that existing shared leave programs do not allow a state employee to receive donated leave from fellow state employees who are employed by a different state department or agency.

Your Committee believes that each executive department, the Judiciary, and the Legislature should be required to establish a shared leave program and that a state employee should not be precluded from sharing leave with an employee of a state department or agency other than the one in which the sharing employee is employed. The chief executive of a county should also be authorized, but not required, to establish a leave sharing program for employees of that county.

Your Committee also believes that it is better to address these issues by amending existing provisions of the Hawaii Revised Statutes than by creating an entirely new statutory section.

Your Committee has amended this measure by:

- (1) Deleting the language of part I, which created a new statutory section to establish a leave sharing program within the Department of Human Resources Development; and
- (2) Replacing the new section in part I with provisions that amend section 78-26, Hawaii Revised Statutes, to:
  - (A) Require each state government branch to establish a shared leave program;



- (B) Authorize the chief executive of a county to establish a shared leave program for county employees; and
- (C) Preclude a state government branch from prohibiting leave sharing between different departments or bargaining units because of administrative infeasibility.

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. 207, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 207, S.D. 2.

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



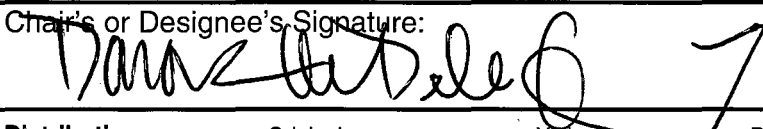
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JILL N. TOKUDA, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

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

Bill / Resolution No.:* <b>SB 207, SD1</b>	Committee Referral: <b>SDL, WAM</b>	Date: <b>2/28/17</b>		
<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
TOKUDA, Jill N. (C)	/			
DELA CRUZ, Donovan M. (VC)	/			
ENGLISH, J. Kalani	/			
GALUTERIA, Brickwood				/
HARIMOTO, Breene	/			
INOUYE, Lorraine R.	/			
KAHELE, Kaiali'i	/			
RIVIERE, Gil	/			
SHIMABUKURO, Maile S.L.	/			
TANIGUCHI, Brian T.	/			
WAKAI, Glenn	/			
<b>TOTAL</b>	<b>10</b>			<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes